

OfS scheme of delegation

This scheme of delegation was approved by the Office for Students (OfS) Board on 28 September 2023 pursuant to paragraph 11 of schedule 1 to the Higher Education and Research Act 2017 (HERA). It takes effect on and from 1 October 2023.

Part 1: Matters reserved to the OfS Board

This part sets out matters that are exclusively reserved to the OfS Board (unless they decide to make changes or exceptions) and also provides clarification on matters that are not treated as being reserved.

1. Unless the Board decides to make changes or exceptions, the following matters (which are intended to be interpreted narrowly) are reserved to the Board (hereafter '**matters reserved to the Board**'):
 - (a) in circumstances where the director for fair access and participation has a conflict of interest or is otherwise unable to act for any reason, any provisional or final decision in respect of the following provisions of HERA:
 - (i) section 21 (refusal to renew an access and participation plan),
 - (ii) sections 29 to 34 (access and participation plans),
 - (iii) section 35 (advice on good practice),
 - (iv) section 36 (duty to protect academic freedom in performing certain access and participation functions), and
 - (v) section 37 (power of the Secretary of State to require a report).
 - (b) any final decision to make changes to the regulatory framework which add, remove or vary:
 - (i) more than two initial conditions of registration and two ongoing conditions of registration in any given calendar year; and/or
 - (ii) the OfS's Regulatory Objectives.
 - (c) the approval of the OfS's general approach to Risk management.
 - (d) abolishing a committee (other than a sub-committee of a committee).
 - (e) permanently removing a member of a committee (other than a sub-committee of a committee) before any term of appointment expires on any grounds other than a voluntary resignation or retirement of the member.

2. For the avoidance of doubt, the following illustrative examples are not matters reserved to the Board for the purposes of paragraph 1 (irrespective of whether or not they involve decisions on matters of policy and may have serious consequences for any natural or legal person):
 - (a) adding, removing or varying any guidance in the regulatory framework about any matters (including, but not limited to, conditions of registration);
 - (b) implementing or operationalising anything contained in the regulatory framework (including, but not limited to, by the publication of guidance or bringing any number of new or revised conditions of registration into force); and
 - (c) temporarily removing, excluding, or replacing a member of a committee because that member has a conflict of interest or is otherwise unable to act for any reason.

Part 2: The chair and deputy chair

1. See Part 8 for matters that are reserved to the chair and deputy chair along with other persons and/or committees.

Part 3: Committees / matters delegated and reserved to committees

This part sets out a range of matters relating to committees and sub-committees, including delegation arrangements for setting up new committees, matters delegated to particular committees, and matters reserved to the Provider Risk Committee (unless the Board or the Provider Risk Committee decides to make changes or exceptions to those reserved matters).

(I) General

1. Only the chair and chief executive are authorised (acting collectively or individually) to do any of the following things in respect of committees (hereafter '**Reserved Committee Matters**'):
 - (a) establish new committees (including new committees that consist entirely of persons that are neither members of the OfS nor OfS employees) for the purposes of taking any type of decision or exercising any Functions of the OfS other than matters reserved to the Board (irrespective of whether or not such Functions: are in force at the time this scheme of delegation was made; involve matters of policy; or may have serious consequences for any natural or legal person), including, but not limited to:
 - (i) making decisions and determinations in respect of ratings under any scheme put in place by the OfS pursuant to section 25 of HERA (including internal appeals/reviews of rating decisions); and/or
 - (ii) making decisions and determinations in respect of any criteria relating to the eligibility of registered English higher education providers and other persons to receive funding from the OfS pursuant to its powers contained in section 39 of HERA;
 - (iii) making decisions and determinations in respect of the quality of, and standards applied to, higher education;

- (b) approve Committee Rules of Procedure and any subsequent changes;
 - (c) establish or abolish any sub-committee of any committee for the purpose of performing any or all of the functions of the relevant committee on a temporary (including one-off) or enduring basis;
 - (d) appoint the members of any committee or sub-committee (including a chair and deputy chair of the committee), either because one or more vacancy exists or because the chair and/or chief executive of the OfS consider it appropriate to expand the membership of that committee or sub-committee;
 - (e) re-appoint members of any committee or sub-committee (including a chair and deputy chair of the committee);
 - (f) approve the term of appointment and any remuneration arrangements for any member of a committee (or sub-committee);
 - (g) temporarily remove, exclude, or replace a member of a committee or sub-committee because that member has a conflict of interest or is otherwise unable to act for any reason; and
 - (h) permanently remove a member of a committee before any term of appointment expires on the grounds of voluntary resignation or retirement of the member.
2. Where the chair of a committee has a conflict of interest or is otherwise unable to act for any reason, with the written permission of a Relevant Person and subject to any restrictions provided for in such permission, any other member of that committee is authorised to act as the chair of the same committee (the 'relevant committee') on a temporary basis and, in such circumstances, any reference to chair of a committee in this scheme of delegation, apart from the definition of "Relevant Person" in Part 9, is to be treated as a reference to a person acting as the chair of the relevant committee.

(II) The Provider Risk Committee

3. Apart from Reserved Matters (which are dealt with separately in this scheme of delegation and include other delegations to the Provider Risk Committee), the Provider Risk Committee has non-exclusive authority to exercise, and make decisions in respect of, any Provider Regulation Matters and/or any Students' Union Regulation Matters without any limitation whatsoever (irrespective of whether or not such Functions: are in force at the time this scheme of delegation was made; involve matters of policy; or may have serious consequences for any natural or legal person).
4. Unless the Board or Provider Risk Committee decides to make changes or exceptions, the following matters (which are intended to be interpreted narrowly) are reserved to the Provider Risk Committee (hereafter '**matters reserved to the PRC**'):
- (a) Any final decision to refuse registration under section 3 of HERA on one or more of the following grounds:
 - (i) the provider is not, or does not intend to become, an English higher education provider;

- (ii) the provider does not satisfy the initial registration conditions applicable to it; and
- (iii) the provider's application does not comply with any requirements imposed under section 3(5) of HERA.

- (b) Any final decision to impose Mandatory De-registration;
- (c) Any final decision to revoke any authorisation, consent or other approval for university title under section 58 of HERA;
- (d) Any final decision to revoke Degree Awarding Powers under section 44 or 45 of HERA;
- (e) Any final decision to vary Degree Awarding Powers so as to restrict the type of Degree Awarding Powers under section 44 or 45 of HERA (other than a restriction in the duration in time of Degree Awarding Powers);
- (f) Any final decision to impose a monetary penalty under section 15 and/or section 69B of HERA;
- (g) Any final decision to recover costs under section 73 of HERA.

5. See Part 8 for matters that are reserved to the Provider Risk Committee along with other persons.

(III) Quality Assessment Committee

6. The Quality Assessment Committee has non-exclusive authority to provide advice to the OfS about:
- (a) the exercise of functions relating to the quality of, and standards applied to, higher education by a body designated under schedule 4 of HERA and the OfS;
 - (b) the quality of, and standards applied to, higher education for any purposes relating to the authorisation, variation or revocation of Degree Awarding Powers.

(IV) The Remuneration and Nominations Committee

7. Apart from Reserved Matters (which are dealt with separately in this scheme of delegation), the Remuneration and Nominations Committee has non-exclusive authority to give advice and/or make recommendations to the OfS on any Remuneration and Nominations Matters without any limitation whatsoever.

(V) Risk and Audit Committee

8. The Risk and Audit Committee has non-exclusive authority to do anything in connection with giving advice and make recommendations to the Board (or anyone within the OfS) on the OfS's general approach to Risk management and assurance, including drawing attention to any type of Risk that may affect the OfS.

Part 4: Chief executive and Directors' Group

This part sets out broad delegations to the chief executive and the Directors' Group, and delegation arrangements for another person to act as the chief executive on a temporary basis in particular circumstances.

1. Apart from Reserved Matters (which are dealt with separately in this scheme of delegation and include other delegations to the chief executive), the chief executive has authority to exercise, and make decisions in respect of, any other Functions of the OfS without any limitation whatsoever (irrespective of whether or not such Functions: are in force at the time this scheme of delegation was made; involve matters of policy; or may have serious consequences for any natural or legal person).
2. See Part 8 for matters that are reserved to the chief executive along with other persons and/or committees.
3. Where the chief executive has a conflict of interest or is otherwise unable to act for any reason, with the written permission of any Relevant Person and subject to any restrictions provided for in such permission, any one OfS director is authorised to act as the chief executive on a temporary basis and, in such circumstances, any reference to "chief executive" in this scheme of delegation (including in respect of Reserved Matters), apart from the definition of "Relevant Person" in Part 9, is to be treated as a reference to a person acting as the chief executive.
4. Apart from Reserved Matters, with the permission of the chief executive (or, where applicable, a person acting as the chief executive), the Directors' Group has authority to exercise, and make decisions in respect of, any other Functions of the OfS without limitation (irrespective of whether or not such Functions: are in force at the time this scheme of delegation was made; involve matters of policy; or may have serious consequences for any natural or legal person).

Part 5: Directors

This part sets out matters that are exclusively reserved to the director for fair access and participation, as well as a broad delegation that applies to all directors, and delegation arrangements for another person to act as a particular director on a temporary basis in particular circumstances.

(A) The director for fair access and participation

1. Only the director for fair access and participation has authority to exercise, and make decisions in respect of, the following provisions of HERA (hereafter '**DFAP reserved matters**'):
 - (a) section 21 (refusal to renew an access and participation plan),
 - (b) sections 29 to 34 (access and participation plans),
 - (c) section 35 (advice on good practice),

(d) section 36 (duty to protect academic freedom in performing certain access and participation functions), and

(e) section 37 (power of the Secretary of State to require a report).

(B) All directors

2. Apart from Reserved Matters (which are dealt with separately in this scheme of delegation and include other delegations to directors), each director and deputy director has individual authority to exercise, and make decisions in respect of, any other Functions of the OfS without any limitation whatsoever (irrespective of whether or not such Functions: are in force at the time this scheme of delegation was made; involve matters of policy; or may have serious consequences for any natural or legal person).
3. Where any Relevant Director has a conflict of interest or is otherwise unable to act for any reason, with the written permission of any Relevant Person and subject to any restrictions provided for in such permission, any member of staff at pay band 10 or above (including another director or deputy director) is authorised to act as the Relevant Director on a temporary basis and, in such circumstances, any reference to “director” or “deputy director” (including a director with a particular job title) in this scheme of delegation (including in respect of Reserved Matters), apart from the definition of “Relevant Person” in Part 9, is to be treated as a reference to a person acting as the Relevant Director (including, as the case may be, a director with a particular job title).
4. See Part 8 for matters that are reserved to particular directors (either exclusively or along with other persons and committees).

(C) The Director for Freedom of Speech and Academic Freedom

5. The Director for Freedom of Speech and Academic Freedom has non-exclusive authority to oversee the performance of the Free Speech Functions, including by seeking and receiving information from other persons and groups of persons with authority to exercise the Free Speech Functions.

Part 6: Special cases

This part sets out delegations for other particular persons.

(I) The OfS legal team

1. The Head of Legal has authority to:
 - (a) in accordance with any general or specific strategic direction which may be provided by the Board, chief executive or Relevant Director, defend (including by way of settlement, compromise or mediation) any form of legal claim, appeal, application or challenge brought against the OfS (including where the OfS is named as a respondent or party to proceedings and where the OfS is defending any type of further appeal).
 - (b) with the agreement of, and in accordance with any general or specific strategic direction which may be provided by, the Board, chair, deputy chair or chief executive:

- (i) bring, manage and conduct any form of legal claim or appeal on behalf of the OfS
(including by intervening in a legal claim or appeal brought by another person);
 - (ii) make an application for, and if granted exercise, a Warrant on behalf of the OfS;
 - (iii) make any other form of legal application on behalf of the OfS, including but not limited to an application for a declaration, injunction, disclosure and award of costs.
- (c) in accordance with any guidance provided by the chief executive or Relevant Director on procurement and ensuring value for money, procure and instruct external lawyers of any description or other specialist or professional support for the purposes of, or in connection with, the provision of legal representation, advice and/or support for any of the OfS's Functions and/or any form of legal proceedings or application as described in paragraph (a) or (b).
- (d) disclose information externally in accordance with any Functions for any purposes connected with paragraphs 1 (a) to (c), (e), as well as for any purposes connected with any actual or potential legal claim or appeal which could directly or indirectly involve any matters relating to the OfS, the provisions of HERA, or the higher education sector.
- (e) do anything which is calculated to facilitate, or is conducive or incidental to, paragraphs (a) to (d).
2. Acting under the general supervision and direction of the Head of Legal, any Legally Qualified member of staff or contractor of the OfS has authority to:
- (a) assist the Head of Legal with any matters set out or described in paragraph 1 (a) and (b);
 - (b) instruct external lawyers of any description or other specialist support for the purposes of, or in connection with, the provision of legal representation, advice and/or support for any of the OfS's Functions and/or any form of legal proceedings or application as described in paragraph 1 (a) or (b);
 - (c) disclose information externally in accordance with any Functions for any purposes connected with paragraphs 2 (a), (b), and (d);
 - (d) do anything which is calculated to facilitate, or is conducive or incidental to, paragraph 2 (a) to (c).
3. Where the Head of Legal has a conflict of interest or is otherwise unable to act for any reason, with the written permission of any Relevant Person and subject to any restrictions provided for in such permission, any Legally Qualified member of staff at pay band 10 or above is authorised to act as the Head of Legal on a temporary basis and, in such circumstances, any reference to "Head of Legal" in this scheme of delegation (including in respect of Reserved Matters), apart from the definition of "Relevant Person" in Part 9, is to be treated as a reference to a person acting as the Head of Legal.

(II) Data Protection Officer

4. The Data Protection Officer (or a person acting as the Data Protection Officer) has authority to perform all of the tasks set out or described in section 71 of the Data Protection Act 2018.

Part 7: Other staff

This part first sets out the things that all members of staff at the OfS are authorised to do to support decision makers, including in respect of reserved matters (for example, make recommendations to person or group authorised to make decisions or implement decisions in accordance with instructions given). This part also provides for a broad delegation to staff at pay band 10 or above to do anything which is not a reserved matter with the written permission of the chief executive or a relevant director.

1. Any member of staff at any pay band or grade is authorised to do any of the following things (even where it relates to a Reserved Matter):
 - (a) make written or oral recommendations about whether or not Functions should be exercised, including (but not limited to) recommendations relating to assessments of relevant evidence and matters relating to whether providers may be breaching conditions of registration and/or risks of them doing so;
 - (b) in accordance with any instructions given by an Authorised Decision Maker, take any steps to implement any type of decision which has been taken under this scheme of delegation by an Authorised Decision Maker, including (but not limited to) by drafting any type of document or condition of registration;
 - (c) anything that is ancillary or incidental to (a) to (b) (in so far as that does not separately constitute a Reserved Matter).
2. Apart from Reserved Matters (which are dealt with separately in this scheme of delegation and include other delegations to members of staff), with the written permission of the chief executive or Relevant Director (which may include restrictions), any member of staff at pay band 10 or above has individual authority to exercise, and make decisions in respect of, any other Functions of the OfS without any limitation whatsoever (irrespective of whether or not such Functions: are in force at the time this scheme of delegation was made; involve matters of policy; or may have serious consequences for any natural or legal person).

Part 8: Other reserved matters

This part sets out matters that are reserved to particular persons (including descriptions of categories of persons) along with, in some cases, particular committees.

Only the committees and persons described in column 2 of the table below have authority to exercise, and make decisions in respect of, matters described in the corresponding row in column 1 of the table (hereafter ‘**Other Reserved Matters**’):

Column 1: Other Reserved Matters	Column 2: Description of committees or persons matters are reserved to
<p>Row 1</p> <p>Any provisional decision to:</p> <ol style="list-style-type: none"> 1. refuse registration under section 3 of HERA on one or more of the following grounds: <ol style="list-style-type: none"> a. the provider is not, or does not intend to become, an English higher education provider; b. the provider does not satisfy the initial registration conditions applicable to it; and c. the provider’s application does not comply with any requirements imposed under section 3(5) of HERA; 2. revoke any authorisation, consent or other approval for university title under section 58 of HERA; 3. revoke Degree Awarding Powers under section 44 or 45 of HERA; 4. vary Degree Awarding Powers so as to restrict the type of degree awarding powers under section 44 or 45 of HERA; 5. impose a monetary penalty under section 15 and/or section 69B of HERA; 6. recover costs under section 73 of HERA; 7. impose Mandatory De-registration. 	<ol style="list-style-type: none"> 1. The Provider Risk Committee; 2. The chief executive; 3. The director of regulation; and 4. With the written permission of the chief executive, any member of staff with the job title deputy director.

Column 1: Other Reserved Matters	Column 2: Description of committees or persons matters are reserved to
<p>Row 2</p> <p>Any provisional or final decision:</p> <ol style="list-style-type: none"> 1. to suspend registration under section 16 of HERA; 2. on whether or not to make revisions to the approach to maintaining, populating and publishing the register; 3. to impose, vary, remove, or (where applicable) disapply any initial and/or ongoing condition of registration for one or more provider (other than where the number of conditions falls within the scope of matters reserved to the Board – see Part 1 of this scheme of delegation for further information); 4. to make a positive finding that a provider is to be placed on the register because: <ol style="list-style-type: none"> a it is, or intends to become, an English higher education provider, b it satisfies the initial registration conditions applicable to it, and c its application complies with any requirements imposed under section 3(5) of HERA; 5. to impose, vary, or remove any specific ongoing condition of registration; 6. to make changes to the regulatory framework (other than matters reserved to the Board – see paragraph 1 and 2 of Part 1 of this scheme of delegation); 7. to make a finding that any natural person is not a fit and proper person for the purposes of any condition of registration (or a requirement that exists under or by virtue of such a condition); 8. to refuse to approve, or withdraw the approval of, an Accountable Officer; 9. to approve, or consent to, the use of the word 	<ol style="list-style-type: none"> 1. The Provider Risk Committee; 2. The chief executive; 3. The director of regulation; and 4. With the written permission of the chief executive, any member of staff with the job title deputy director.

Column 1: Other Reserved Matters	Column 2: Description of committees or persons matters are reserved to
<p>10. “university” in the name of a registered higher education provider in the exercise of powers under section 39 of the Teaching and Higher Education Act 1998 and/or section 77 of the Further and Higher Education Act 1992;</p> <p>11. to refuse to approve, or consent to, the use of the word “university” in the name of a registered higher education provider in the exercise of powers under section 39 of the Teaching and Higher Education Act 1998 and/or section 77 of the Further and Higher Education Act 1992;</p> <p>12. to make an order to authorise a registered higher education provider to grant taught awards or research awards or both (including, but not limited to, an authorisation for a limited duration in time);</p> <p>13. to refuse to make any type of order (including an order to vary an existing order) to authorise a registered higher education provider to grant taught awards or research awards or both;</p> <p>14. on whether or not to impose (or vary) any requirements in respect of applications for Voluntary De-registration under section 22(2) of HERA;</p> <p>15. on whether or not an application for Voluntary Deregistration meets requirements that have been imposed under section 22(2) of HERA;</p> <p>16. on the approach to maintaining, populating and publishing a list of providers removed from the register as a result of a:</p> <ul style="list-style-type: none"> a Mandatory De-registration; and/or b Voluntary De-registration; <p>17. to make any saving and/or transitional provision for a:</p> <ul style="list-style-type: none"> a Mandatory De-registration; and/or b Voluntary De-registration; 	

Column 1: Other Reserved Matters	Column 2: Description of committees or persons matters are reserved to
<p>18. to determine the date any Mandatory De-registration and/or Voluntary De-registration takes place or vary such a date;</p> <p>19. to make a negative finding about compliance with the Prevent Duty in the context powers delegated to the OfS under section 32(4) of the Counter-Terrorism and Security Act 2015.</p>	
<p>Row 3</p> <p>Any provisional or final decision:</p> <ol style="list-style-type: none"> 1. to withdraw the approval of any document that requires the approval of the OfS under or by virtue of a condition of registration (other than an access and participation plan); 2. to give any written form of external advice or guidance on any condition of registration (including a proposed condition) and/or on any Freedom of Speech Duty; 3. to grant, revoke or suspend Specific Course Designation; 4. on whether or not to impose (or vary) any requirements in respect of applications for registration under section 3(5) of HERA; 5. to make a finding that a provider has breached (or is breaching) a condition of registration and/or on any Freedom of Speech Duty; 6. to make a finding that a constituent institution has breached (or is breaching) any Freedom of Speech Duty; 7. to make a finding that a Relevant Students' Union has breached (or is breaching) any Freedom of Speech Duty; 8. to open, expand or narrow the scope of, suspend, or close an investigation into any type of potential non- 	<ol style="list-style-type: none"> 1. The chief executive; 2. The director of regulation; 3. With the written permission of the chief executive or the director of regulation, any committee or member of staff at pay band 11 or above.

Column 1: Other Reserved Matters	Column 2: Description of committees or persons matters are reserved to
<p>compliance with a condition of registration and/or any Freedom of Speech Duty.</p>	
<p>Row 4</p> <p>Any provisional or final decision to:</p> <ol style="list-style-type: none"> 1. approve any document that requires the approval of the OfS under or by virtue of a condition of registration (other than an access and participation plan); 2. approve an Accountable Officer. 	<ol style="list-style-type: none"> 1. The chief executive; 2. The director of regulation; 3. With the written permission of the chief executive or director of regulation, any committee or member of staff at pay band 8 or above (including a director or deputy director).
<p>Row 5</p> <p>Any final decision to publish information (including by disclosing information in response to a request under the Freedom of Information Act 2000) which:</p> <p>(a) Relates to the affairs of any natural or legal person (either expressly or by implication); and</p> <p>(b) on the basis of legal advice could be considered to be a form of criticism (expressly or by implication), or otherwise prejudicial to, that person.</p>	<ol style="list-style-type: none"> 1. The Provider Risk Committee; 2. The chief executive; 3. The directors' group; 4. The director of regulation; <p>With the written permission of the chief executive or the director of regulation, any other member of staff at pay band 12 or above (including a director or deputy director).</p>
<p>Row 6</p> <p>Any final decision on whether or not to rely on the exemption for prejudice to effective conduct of public affairs contained in section 36 of the Freedom of Information Act 2000.</p>	<ol style="list-style-type: none"> 1. The chief executive; or 2. The director of resources and finance.
<p>Row 7</p> <p>Any decision to instruct the Head of Legal to make an application for a Warrant.</p>	<ol style="list-style-type: none"> 1. The chair; 2. The deputy chair; and 3. The chief executive.
<p>Row 8</p> <p>To act as an authorised person for the purposes of exercising a Warrant.</p>	<ol style="list-style-type: none"> 1. The director of regulation; 2. With the written permission of the director of regulation, any member

Column 1: Other Reserved Matters	Column 2: Description of committees or persons matters are reserved to
	<p>of staff at pay band 8 or above (including a director or deputy director);</p> <p>3. The Head of Legal; and</p> <p>4. With the written permission of the Head of Legal, any Legally Qualified member of staff or contractor.</p>
<p>Row 9</p> <p>Any decision on whether or not a person, who is neither a member of the OfS nor a member of staff of the OfS, may accompany and assist an authorised person for the purposes of exercising a Warrant.</p>	<p>1. The chief executive;</p> <p>2. The director of regulation; and</p> <p>3. The Head of Legal.</p>
<p>Row 10</p> <p>Any decision to compel the production of information (including documentation) from any legal or natural person (excluding Warrants).</p>	<p>1. The Provider Risk Committee;</p> <p>2. The directors' group;</p> <p>3. The chief executive;</p> <p>4. The director of regulation; and</p> <p>5. With the written permission of the chief executive or director of regulation, any member of staff at pay band 8 or above (including a director or deputy director).</p>
<p>Row 11</p> <p>Any decision to give financial support under sections 39 and 40 of HERA (and determine terms and conditions for such financial support under section 41 of HERA).</p>	<p>1. the chief executive;</p> <p>2. The director of resources and finance; and</p> <p>3. With the written permission of the chief executive or director of resources and finance, any director.</p>
<p>Row 12</p> <p>Authenticating the application of the OfS seal in accordance with paragraph 14(1)(a) of schedule 1 to HERA).</p>	<p>1. The chair;</p> <p>2. The director of resources and finance;</p> <p>3. The Head of Legal; and</p>

Column 1: Other Reserved Matters	Column 2: Description of committees or persons matters are reserved to
	4. The Head of Finance.
<p>Row 13</p> <p>Authenticating the application of the OfS seal in accordance with paragraph 14(1)(b) of schedule 1 to HERA).</p>	<p>1. The chief executive;</p> <p>2. The director for fair access and participation; and</p> <p>3. Any ordinary member of the OfS.</p>
<p>Row 14</p> <p>Any provisional or final decision under paragraph 10 of schedule 4 to HERA to give the body designated under schedule 4 of HERA general directions about the performance of any of the assessment functions.</p>	<p>1. The chief executive; and</p> <p>2. The director of regulation.</p>
<p>Row 15</p> <p>Disclosing legal advice (including by way of publication or in response to a request under the Freedom of Information Act 2000) to a person who is not a member of the OfS, member of an OfS committee, or employee of the OfS.</p>	<p>1. The chief executive;</p> <p>2. The Head of Legal; and</p> <p>3. Acting under the supervision and with the written permission of the Head of Legal, any Legally Qualified member of staff or contractor.</p>
<p>Row 16</p> <p>Instructing external legal advisers or instructing counsel.</p>	<p>1. The chief executive;</p> <p>2. The director of resources and finance;</p> <p>3. The Head of Legal; and</p> <p>4. Acting under the supervision and with the written permission of the Head of Legal, any Legally Qualified member of staff or contractor.</p>
<p>Row 17</p> <p>1. Making an application for a Warrant;</p> <p>2. Managing the conduct of litigation.</p>	<p>1. The Head of Legal; and</p> <p>2. Acting under the supervision and with the written permission of the Head of Legal, any Legally Qualified member of staff or contractor.</p>
<p>Row 18</p>	<p>The Head of Profession for Statistics.</p>

Column 1: Other Reserved Matters	Column 2: Description of committees or persons matters are reserved to
<ol style="list-style-type: none"> 1. Where the OfS has decided to publish data, determining whether or not that data will be classified (or will cease to be classified) as official statistics; 2. Where the OfS has decided to publish data that is to be classified as official statistics, determining the time periods for the publication of data that is to be classified as official statistics; and 3. Reporting to the National Statistician on professional matters relating to official statistics. 	
<p>Row 19</p> <ol style="list-style-type: none"> 1. Determining the number of OfS staff and how the OfS is organised to deliver its aims and objectives (including, but not limited to, the roles performed by staff); 2. Determining the pay levels, pay bands and annual pay settlements for staff. 	<ol style="list-style-type: none"> 1. The chief executive; and 2. With the written permission of the chief executive, the director of resources and finance.

Part 9: General provisions and interpretation

This part sets out a range of different provisions relating to the way the scheme of delegation operates and is to be interpreted. For example, this includes a delegation to the chair, deputy chair, and chief executive (acting collectively or individually) to resolve any questions relating to the scope or interpretation of anything contained within the scheme of delegation. It also includes an authorisation for anyone with delegated authority to seek and obtain legal advice.

1. In the event that any question arises in relation to the scope or interpretation of the contents of this scheme of delegation (including, but not limited to, any Reserved Matters), only the following persons are (collectively or individually) authorised to resolve that question in any way they see fit (including in a way which would, in effect, result in a narrowing or widening of Reserved Matters):
 - (a) The chair,
 - (b) The deputy chair, and
 - (c) The chief executive.

2. With the exception of references to “chief executive” and “director for fair access and participation”, any reference to a particular job title may be treated as a reference to more than one person and is intended to provide a general indication of the nature of the normal responsibilities of such persons, irrespective of whether those persons have wider responsibilities or their responsibilities change from time to time. In the event that any question arises about the actual person a job title relates to, which person is the Relevant Director, the scope and nature of the responsibilities of a person with a particular job title (including, but not limited to any restrictions or limitations), or it is otherwise considered appropriate to provide clarification, the chief executive is exclusively authorised to resolve that question and provide such clarification in any way they see fit (including, but not limited to, by maintaining a list of the names of persons who are treated as having a particular job title and/or being a Relevant Director for the purposes of this scheme of delegation, with or without a description of the nature and scope of their responsibilities).
3. Where an individual or group of persons (including a committee) has authority under this scheme of delegation, that individual or group also has authority to:
 - (a) seek and receive legal advice from the Head of Legal, including via a member of staff or contractor operating under the supervision of the Head of Legal, and external lawyers instructed by the Head of Legal; and/or
 - (b) refer (for any reason) a decision they are authorised to take to the Board or, where applicable, another person or committee which is also authorised to take the same decision.
4. Unless expressly defined in this scheme of delegation, any words and expressions (including cognate forms of those words and expressions) which are the same as words and expressions defined in the Higher Education and Research Act 2017 have the meaning given in that Act.
5. Unless the contrary is expressly stated, this scheme of delegation is intended to be treated as subordinate legislation for the purposes of section 23(1) of the Interpretation Act 1978.
6. Functions, matters, authorisations, delegations, and responsibilities within this scheme of delegation shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive, consequential or incidental to the discharge of anything specified.
7. Anything in this scheme of delegation which is expressed as an exclusion, exception, limitation or reserved matter is to be interpreted narrowly and does not prevent the Board from exercising (and making decisions in respect of) any Functions of the OfS in any circumstances (including where a person or committee decides it is appropriate to refer a matter to the Board for any reason).
8. The existence of any form of duplication or overlap with delegation arrangements contained within this scheme of delegation or in any other instrument of delegation does not in any way restrict or affect the validity or scope of any delegation arrangement.
9. Where the chief executive or director of regulation is considering whether to exercise their authority under row 2 of the table contained in Part 8 of this scheme of delegation, they are expected to have regard to the general principle that decisions which are anticipated to be

particularly contentious (including because of material risks to the continuity of studies for students or of a legal challenge against the OfS) should normally be referred to the Provider Risk Committee. However, any failure to have (or demonstrate) such regard, or to refer a matter to the Provider Risk Committee, will not invalidate anything done by the chief executive or director of regulation under or by virtue of this scheme of delegation.

10. The following words and expressions (including cognate versions) are expressly defined:

“Accountable Officer” is to be interpreted in accordance with ongoing condition of registration E3 and the contents of the regulatory framework.

“Authorised Decision Maker” means the Board, and any committee or persons with authorisation under Parts 1 to 8 of this scheme of delegation.

“Board” means a group of persons consisting of a sufficient number of members of the OfS so as to be quorate for the purposes of schedule 1 of HERA.

“Committee Rules of Procedure” includes the following in respect of a committee (or subcommittee of a committee):

- (a) a list of the members;
- (b) any particular roles performed by members, including the role of chair;
- (c) arrangements for convening meetings;
- (d) decision making arrangements in lieu of meetings;
- (e) the quorum for decisions taken during meetings and or via arrangements in lieu of meeting.

“Degree Awarding Powers” means powers conferred on an English higher education provider (by or under an Act of Parliament, or by Royal Charter) to grant taught awards or research awards or both.

“Directors’ Group” means a group of persons consisting of at least the following three persons:

- (a) the chief executive (or a director acting as the chief executive); and
- (b) at least two directors (excluding a director acting as the chief executive).

“Freedom of Speech Duty” means:

- (a) In respect of a registered higher education provider, one or more of the following:
 - (i) any of the duties provided for in sections A1, A2 and A3 of HERA;
 - (ii) the duty under paragraph 11 of schedule 6A to HERA to comply with any requirements of a complaint scheme made pursuant to section 69C of, and schedule 6A to, HERA;
- (b) In respect of a constituent institution of a registered higher education provider, one or more of the following:

- (i) any of the duties provided for in section A4 of HERA;
- (ii) the duty under paragraph 11 of schedule 6A to HERA to comply with any requirements of a complaint scheme made pursuant to section 69C of, and schedule 6A to, HERA;

(c) In respect of a Relevant Students' Union, one or more of the following:

- (i) any of the duties provided for in sections A5 and A6 of HERA;
- (ii) the duty under section 69B of HERA to provide information to the OfS;
- (iii) the duty under section 69E(4) to provide information to the OfS about overseas funding;
- (iv) the duty under paragraph 11 of schedule 6A to HERA to comply with any requirements of a complaint scheme made pursuant to section 69C of, and schedule 6A to, HERA.

“Free Speech Functions” has the meaning given in paragraph 3A(2) of schedule 1 to HERA.

“Functions” includes, but is not limited to, any duty or power (whether express or implied) that exists under or by virtue of any enactment (including subordinate legislation) or rule of law.

“HERA” means the Higher Education and Research Act 2017.

“Legal Qualified” means a person:

- (a) qualified to practice as a solicitor or barrister in any part of the United Kingdom or a Commonwealth member state; or
- (b) holding any other legal qualification which the Head of Legal considers to be appropriate.

“Mandatory De-registration” is to be interpreted in accordance with section 18 of HERA.

“Prevent Duty” means the duty provided for in section 26 of the Counter-Terrorism and Security Act 2015.

“Provider Regulation Matters” is to be interpreted broadly and covers anything (whether substantive or procedural in nature) relating to, or in any way connected with, the following subject matter in respect of the regulation of one or more English Higher Education providers (and, where applicable, their constituent institutions):

- (a) registration (including refusals and suspensions);
- (b) the Prevent Duty;
- (c) University Title (including revocation);
- (d) Degree Awarding Powers (including revocation);
- (e) compliance (including risks of non-compliance);

- (f) enforcement;
- (g) conditions of registration (including imposition);
- (h) Mandatory De-registration;
- (i) Voluntary De-registration;
- (j) financial penalties;
- (k) recovery of costs; and
- (l) recovery of interest on penalties and/or costs.

“Relevant Director” means the employee or member of the OfS with the job title director or deputy director and whose normal areas of responsibility cover the Functions or matters in question.

“Relevant Person” means:

(a) for the purposes of paragraph 2 of Part 3:

- (i) the chair of a committee, in circumstances where that person is able to give written permission for another member of the same committee act as the chair of that committee; or
- (ii) the chair or chief executive in circumstances where the chair of a committee is unable to give written permission for another member of the same committee to act as the chair of that committee;

(b) for the purpose of paragraph 3 of Part 4:

- (i) the chief executive, in circumstances where the chief executive is able to give written permission for a director to act as the chief executive; or
- (ii) the chair or deputy chair, in circumstances where the chief executive is unable to give written permission for a director to act as the chief executive

(c) for the purpose of paragraph 3 of Part 5:

- (i) the Relevant Director, in circumstances where the Relevant Director is able to give written permission for a member of staff to act as that director or deputy director; or
- (ii) the chair, deputy chair, or chief executive, in circumstances where the Relevant Director is unable to give written permission for a member of staff to act as the Relevant Director.

(d) for the purpose of paragraph 3 of Part 6:

- (i) the Head of Legal in circumstances where the Head of Legal is able to give written permission for a member of staff to act as the Head of Legal; or

- (ii) the chief executive or director of resources and finance, in circumstances where the Head of Legal is unable to give written permission for a member of staff to act as the Head of Legal.

“Relevant Students’ Union” means a students’ union of an eligible higher education provider.

“Remuneration and Nominations Matters” is to be interpreted broadly and covers anything (whether substantive or procedural in nature) relating to, or in any way connected with, the following subject matter:

- (a) the terms and conditions of employment of the chief executive;
- (b) the performance objectives for the chief executive and the chief executive’s performance against performance objectives;
- (c) any type of remuneration for the chief executive, including (but not limited to) performance related pay;
- (d) the terms and conditions of employment of directors;
- (e) the performance objectives for different directors and each director’s performance against performance objectives;
- (f) any type of remuneration for directors, including (but not limited to) performance related pay;
- (g) any proposed contents of the OfS’s Annual Report and Accounts which relates to the remuneration of any members of the Board and directors;
- (h) the recruitment process for, and any proposals for adding or replacing members of, any of the following committees;
 - the Provider Risk Committee;
 - the Quality Assessment Committee;
 - the Remuneration and Nominations Committee;
 - the Risk and Audit Committee;
- (i) planning for the succession of members of the Board, members of committees and directors;
- (j) the contents of any advice or recommendations which the OfS may wish to give to any Government department and/or the Treasury on matters relating to terms and conditions of employment and remuneration.’

“Reserved Matter” means all of the following:

- (a) matters reserved to the Board;

- (b) matters reserved to the PRC;
- (c) DFAP reserved matters;
- (d) Reserved Committee Matters;
- (e) Other Reserved Matters.

“Risk” does not include the risk of one or more provider failing to comply with (or satisfy) initial or ongoing conditions of registration or any other regulatory requirement.

“Regulatory Objectives” means any of the contents of paragraphs 2 and 3 of Part 1 of the version of the regulatory framework published in February 2018.

“Specific Course Designation” means any Functions under, or by virtue of, section 22 of the Teaching and Higher Education Act 1998 that have been delegated to the OfS by the Secretary of State pursuant to section 23 of that Act.

“Students’ Union Regulation Matters” is to be interpreted broadly and covers anything (whether substantive or procedural in nature) relating to, or in any way connected with, the following subject matter in respect of the Freedom of Speech Duties of one or more Relevant Students’ Union: (a) compliance (including risks of non-compliance); (b) enforcement; (c) freedom of speech and/or academic freedom; (d) financial penalties; (e) recovery of costs; and (f) recovery of interest on penalties and/or costs.

“University Title” is to be interpreted in accordance with section 77 of the Further and Higher Education Act 1992 and section 39 of the Teaching and Higher Education Act 1998.

“Voluntary De-registration” is to be interpreted in accordance with section 22 of HERA.

“Warrant” is to be interpreted in accordance with section 61 of HERA.