

Office for
Students



Regulatory advice 3: Registration of English higher education providers with the OfS

**Guidance for providers about the
application process**

Reference OfS 2022.62

Enquiries to regulation@officeforstudents.org.uk

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Introduction

Please only apply for registration with the OfS if you:

- have read this guidance
- have all the evidence needed to apply for registration
- will be able to meet our requirements on an ongoing basis.

1. This regulatory advice sets out guidance for providers of higher education in England that want to apply to register with the Office for Students (OfS) **on or after 14 October 2022**.¹
2. The guidance aims to help providers:
 - a. Check whether they are eligible to register with the OfS.
 - b. Decide which benefits they want to access and so which category of the OfS Register they want to join.
 - c. Compile and submit the evidence needed to support their application.
 - d. Understand how the OfS will assess their application and tell them the outcome of the registration process.
3. This guidance also sets out how we will assess new initial conditions of registration – conditions B7 and B8 – which came into force on 1 May 2022 and which form part of our approach to regulating quality and standards.² Providers must satisfy these and all other initial conditions to be registered.
4. The OfS's registration process is detailed and rigorous to ensure that we only register providers that meet our requirements. This is important because a registered provider can recruit students who have access to the student support system. These students – and taxpayers more generally – are entitled to rely on the regulatory protection that registration with the OfS provides.
5. Our experience is that some providers apply to register before they are ready. The applications these providers submit to us very often do not contain sufficient information. This can cause significant delays in the registration process and can result in disappointment if we decide we cannot register a provider.

¹ Providers that have submitted applications before 11 October 2022 should refer to previously published guidance which is available here: www.officeforstudents.org.uk/publications/regulatory-advice-3-registration-of-english-higher-education-providers-with-the-ofs/.

² To understand which conditions of registration will apply to your provider, please see Annex B of this guidance.

What to check before applying

Before providers submit their application, they should make sure that they:

- a. Understand the requirements for registration as set out in this document.
- b. Have all the information and evidence we require and submit this in full.
- c. Understand the ongoing obligations of a registered provider, and the likely associated costs, and have the expertise and resources to meet them on an ongoing basis.

6. This guidance should be read alongside the OfS's regulatory framework,³ which sets out in full our approach to the registration and regulation of providers. If there are any inconsistencies between the regulatory framework and this document, then the regulatory framework will prevail.

³ See www.officeforstudents.org.uk/advice-and-guidance/regulation/the-regulatory-framework-for-higher-education-in-england/.

PART A: What do I need to do to register?

If you want to register with the OfS you need to:

1. Check that your provider needs to register and is eligible

See section 1: Does my provider need to register with the OfS?

For full details of eligibility, see Annex A: Eligibility for registration

2. Decide which benefits you want to access

See section 2: Which benefits do I want to access?

3. Consider whether your provider will be able to satisfy the ongoing requirements of registration

Read the OfS's regulatory framework for higher education in England⁴ and see section 12: What does my provider need to do to stay registered?

4. Decide when you need to apply

See section 3: When should I apply?

5. Compile the evidence required for your application

See section 4: 'What evidence do I need to provide?' and Annex C 'Information you should submit'.

6. Download and complete an application form

See section 5: How do I download and complete an application form?

7. Submit your application form and the evidence required for your application

See section 6: How do I submit a complete application?

⁴ See www.officeforstudents.org.uk/advice-and-guidance/regulation/the-regulatory-framework-for-higher-education-in-england/.

Section 1: Does my provider need to register with the OfS?

Is my provider eligible for registration?

7. A provider can only register with the OfS if it is, or intends to become, an English higher education provider. We will consider three elements to determine whether an entity is an English higher education provider:
 - a. It provides 'higher education'.
 - b. Its activities are 'principally carried on in England'.
 - c. It is an 'institution'.
8. **More information about each of these elements is provided in Annex A.**

Why would my provider need to register with the OfS?

9. You will need to register with the OfS if you want to:
 - a. Be officially recognised by the OfS as providing higher education in England.
 - b. Access public grant funding from the OfS or from UK Research and Innovation (UKRI) through Research England.
 - c. Access the student support system for eligible undergraduate and postgraduate courses.
 - d. Maintain or make an application to the Home Office to recruit international students with a student sponsor licence.⁵
 - e. Apply for degree awarding powers (DAPs) and/or university title.
10. If you want to access any of the benefits listed above in paragraph 9 and you offer, or intend to offer, higher education courses directly to students (i.e. you register your own higher education students and receive payment directly from students or directly from the student support system on behalf of your students), you must register your provider. This is regardless of whether:
 - a. You have your own degree awarding powers.
 - b. Your courses are validated by another provider or awarding body.
 - c. You validate another provider's courses.
 - d. You also deliver some courses under a subcontractual agreement (sometimes known as a franchise agreement, where the lead provider is receiving payment

⁵ See www.gov.uk/government/publications/student-sponsor-guidance.

from, or on behalf of, students) in addition to the courses you deliver directly to your own students.

- e. You are delivering some of your own courses through a subcontractual agreement with another delivery partner.

Does my provider have to register if it delivers higher education as part of a subcontractual arrangement?

11. A subcontractual arrangement is where a course is made available by one provider (the lead provider) with some or all the teaching or higher education provision, subcontracted out to a different provider (the delivery provider).
12. In a subcontractual arrangement, the students studying with the delivery provider remain students of the lead provider. A course is considered to be part of a subcontractual arrangement if:
 - a. There is a written, legally binding agreement in place between you and the lead provider that sets out the conditions of the arrangement.
 - b. The student has a full contractual relationship with the lead provider for the provision of the course.
 - c. Typically, the fee and/or fee loan is paid to the lead provider.
 - d. The student is registered as a student of the lead provider and is included in its data returns.
13. The course will usually have been designed by the lead provider, which will impose its own requirements for teaching and assessment. The lead provider has full contractual responsibility to the student for the provision of educational services, even though its staff are not teaching (all) the course or providing all the educational services. Usually, the lead provider will also be the awarding body for the course qualification, but exceptionally this may be a third party.⁶
14. If you deliver all your higher education courses on behalf of another provider under a subcontractual arrangement, you will not normally need to register your provider, although you may do so if you wish. Your students can access student support if the lead provider is registered with the OfS.
15. However, if you hold a student sponsor licence that you use to sponsor international students to study on courses at Level 4 to 8, or are included as part of another higher education provider's licence, you will need to register your provider with the OfS

⁶ The usual exception here is apprenticeships, where a further education college may be in the lead (determined by Education and Skills Funding Agency/Institute for Apprenticeships) but with delivery of a higher education qualification subcontracted to a higher education provider that awards the qualification on successful completion.

separately. The Home Office requires that all individual sites with a license to sponsor international students must have separate educational oversight.⁷

Does my provider have to register if it is a School-Centred Initial Teacher Training provider?

16. If you are a School-Centred Initial Teacher Training (SCITT) provider offering Initial Teacher Training (ITT) courses, you do not have to register with the OfS so that your trainees can access the student support system. You will continue to be regulated by the Department for Education and will be required to comply with the criteria for charging fees. SCITTs and other ITT providers that offer other higher education courses only need to register with the OfS if they wish to receive any of the other benefits of registration.

Does my provider have to register if it only wants students to be able to access the Disabled Students' Allowance?

17. If you do not teach any courses that are eligible for student support but want your eligible students to be able to access the Disabled Students' Allowance, you will need to register with the OfS.

⁷ For further information about Home Office requirements, please see www.gov.uk/government/publications/student-sponsor-guidance.

Section 2: Which benefits do I want to access?

18. Providers can choose to apply to register in one of two categories:

- Approved (fee cap)
- Approved.

19. The benefits of the different categories are:

Benefit	Approved (fee cap)	Approved
Official recognition by the OfS as a provider of higher education in England	Yes	Yes
Eligibility for OfS public grant funding	Yes	No
Eligibility for UKRI public grant funding provided by Research England	Yes	No
Eligibility for Research Council funding	Yes – automatic eligibility	Yes – via a separate UKRI eligibility process
Eligibility for student support funding and fee limits	<p>With an approved access and participation plan, may charge fees up to the higher amount for eligible undergraduate and postgraduate initial teacher training courses.</p> <p>With an access and participation statement, may charge fees up to the basic amount for eligible undergraduate courses and postgraduate initial teacher training courses.</p> <p>Eligible undergraduate students on eligible courses can access student fee loan support up to these fee levels.</p> <p>Eligible postgraduate students can access student support.</p> <p>Eligible students can access Disabled Students' Allowance.</p>	<p>May charge uncapped fees and, for eligible undergraduate and postgraduate initial teacher training courses, eligible students can access student support up to the basic fee level.</p> <p>Eligible postgraduate students can access student support.</p> <p>Eligible students can access Disabled Students' Allowance.</p>
Eligibility to apply for student sponsor	Yes	Yes

licence (subject to Home Office rules)		
Eligibility to apply for degree awarding powers and/or university title	Yes	Yes

20. We will ask you to tell us on your application form which category of the Register you are applying to join and, if you are applying to the Approved (fee cap) category, whether you intend to charge fees above the basic amount. In the Approved (fee cap) category, you must have an approved access and participation plan in place to charge fees above the basic amount (for further information see section 4 below).
21. The ability to charge an inflationary uplift on the basic maximum fee limit or higher maximum fee limit depends on whether you have a Teaching Excellence Framework (TEF) rating.
22. The basic and higher fee limits are prescribed by the Secretary of State in regulations made under the Higher Education and Research Act 2017 (HERA). We have published these at www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/access-and-participation-plans/fee-limits/. It is your responsibility to ensure that you are aware of the law affecting the fee limits and the student support regulations. You may also want to review any relevant guidance published by Student Finance England on eligibility rules for student finance.⁸
23. You can ask to change registration category or fee limit after you have submitted your application for registration. We will consider any requests made before a final decision on your application has been reached as part of the registration process but this is likely to delay the assessment of your application.
24. If you want to change registration category or fee limit after you are registered, please contact regulation@officeforstudents.org.uk. Changes of fee limit will be subject to assessment by the OfS and changes of registration category require a full new application for registration. When you first apply, you should therefore consider carefully which registration category you wish to join. You should not apply to register in one category or fee limit with the intention of changing category or fee limit shortly afterwards.

⁸ See www.practitioners.slc.co.uk/.

Section 3: When should I apply?

25. You can apply to register at any time. If, however, you want to access specific benefits by a particular date, you should plan accordingly. Section 11 of this guidance indicates how long our assessment and decision-making process takes.

Accessing student support

26. Access to student support is available only to eligible students studying on eligible courses at a registered provider. If you want your students to access student support at the start of their academic year, you should allow sufficient time for the OfS to assess your application and reach a decision.
27. If you are applying in the Approved (fee cap) category and want to charge fees above the basic amount, you must submit an access and participation plan. This submission has deadlines to ensure that an approved plan is in place for the start of the appropriate academic year. Further information about the evidence requirements are set out in Section 4 and we have published the deadlines at www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/access-and-participation-plans/when-to-submit-plans/.

Communicating with your students and applicants

28. If a student starts their course before you are registered with the OfS, and your application is then unsuccessful, the student would not have access to student support. You must make it absolutely clear to students and applicants that you may have submitted an application to register with the OfS, but a successful outcome (and the timing of that outcome) is not guaranteed. We have set out below some suggested wording that you may use when communicating with applicants and students.
29. In these communications, you must also ensure you comply with consumer protection law and take account of guidance published by the Competition and Markets Authority (CMA).⁹ Any information you provide to students and potential students must be clear about the status of your application and the implications of this. We suggest that you use the following or similar wording:

‘Before you can access any student finance, [name of provider] must be registered with the regulator for higher education in England, the Office for Students (OfS).

[Name of provider] has applied to register with the OfS, but is not currently registered and you can only access student finance if our application is successful.

We will write to confirm the outcome of our application as soon as we hear from the OfS.

To find out more about student finance and registering with the OfS, visit:
www.officeforstudents.org.uk/studentfinance/

⁹ See www.gov.uk/government/publications/higher-education-consumer-law-advice-for-providers.

Section 4: What evidence do I need to provide?

30. To be registered, you must show that you satisfy the initial conditions of registration that apply to the category of the Register that you are applying to join. A full list of the initial conditions of registration for each category is provided in Annex B.
31. The paragraphs that follow provide detailed guidance about the information you need to submit to show that you satisfy the initial conditions of registration. These requirements are summarised in Table 2 of Annex C and you should use this to check your application before you submit it.
32. You will also need to submit an application form and ensure that your application does not contain errors and other issues that prevent us completing our assessment. Annex C also provides information about how you can check these aspects of your application.

Access and participation conditions A1 or A2

Condition	Where in the OfS regulatory framework
Condition A1	Regulatory framework, paragraphs 311 – 322
Condition A2	Regulatory framework, paragraphs 323 – 331

Access and participation plans

33. You will need an approved access and participation plan if you want your students to be able to access student loan funding up to the higher amount.
34. Separate guidance about how to produce an access and participation plan, and related information, is available at: www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/ .
35. You must submit your access and participation plan as part of your application for registration.
36. While you can apply for registration at any time, there are deadlines associated with the submission of access and participation plans to ensure that an approved plan is in place for the start of the appropriate academic year.¹⁰ If the assessment of your application continues beyond the beginning of the first academic year your access and participation plan covers, you will need to submit a new plan for the following academic year.

Access and participation statements

37. An ‘access and participation statement’ is a statement setting out your commitment to supporting access and participation in higher education by students from disadvantaged backgrounds and under-represented groups.

¹⁰ See www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/access-and-participation-plans/when-to-submit-plans/.

38. By ‘access and participation’ we mean the measures that you put in place to ensure equality of opportunity in:
- a. Applications from future students to your provider, and to other higher education providers.
 - b. The student success and progression outcomes for your current students.
39. Your statement should be informed by the context in which you operate and the characteristics and needs of your students. It is for you to determine the content of the statement, but the OfS has published advice for providers on good practice.¹¹
40. Once you have produced your access and participation statement, you will need to publish it on your website and must submit it as part of your application for registration.

Postgraduate-only providers

41. If you will not teach students on courses subject to the regulated undergraduate tuition fee regime, you do not need to produce an access and participation plan or statement.

Quality condition B7¹²

Condition	Where in the OfS regulatory framework
Condition B7	Amendments to the regulatory framework, <u>paragraphs 84 – 97</u> ¹³

42. You will need to submit a quality plan to allow us to decide whether initial condition B7 is satisfied. Annex H provides more detailed information about the content of your quality plan and the evidence you will need to submit with it. The OfS is also likely to draw on evidence you submit in relation to the other conditions of registration to make a judgement about whether your provider has the ‘capacity and resources’ necessary to deliver your plans in practice. For example, evidence submitted in relation to financial viability and sustainability, or management and governance arrangements, are likely to be relevant.
43. Your plan must show that you will comply with the ongoing quality conditions B1, B2 and B4 from the date of your registration.¹⁴ You should therefore make sure you understand the requirements of these conditions before you write your quality plan.
44. You must submit your quality plan, and associated evidence, as part of your application for registration.

¹¹ See www.officeforstudents.org.uk/publications/regulatory-advice-7-advice-on-preparing-your-2019-20-access-and-participation-statement/.

¹² Condition B7 applies to a provider submitting an application on or after 1 May 2022.

¹³ See www.officeforstudents.org.uk/media/084f719f-5344-4717-a71b-a7ea00b9f53f/quality-and-standards-conditions.pdf.

¹⁴ See www.officeforstudents.org.uk/advice-and-guidance/quality-and-standards/how-we-regulate-quality-and-standards/.

Standards condition B8¹⁵

Condition	Where in the OfS regulatory framework
Condition B8	Amendments to the regulatory framework, <u>paragraphs 98 – 111</u> ¹⁶

45. During the registration process, to support our assessment of condition B8, we will refer you for a standards assessment by the designated quality body (DQB) and you will need to provide further information for that assessment. See Section 8 for further information. From 1 April 2023 the OfS will conduct standards assessments itself and we will write to you with further information if this applies to your application.

Guidance on consumer protection law condition C1

Condition	Where in the OfS regulatory framework
Condition C1	Regulatory framework, <u>paragraphs 364 – 374</u>

46. To register you will need to submit a self-assessment of how you have given due regard to relevant guidance about how to comply with consumer protection law.

47. By 'self-assessment' we mean your own evaluation of how your organisation satisfies the condition, why you have reached this conclusion and the evidence you are using to make this assessment. A suggested template is provided at Annex D.

48. You also need to submit a copy of the contract(s) you use, or plan to use, in relation to the provision of academic services to students.

49. By 'relevant guidance' we mean the CMA's publication 'UK higher education providers: Advice on consumer protection law'.¹⁷ If you have used guidance other than that published by the CMA, you will need to show how this is appropriate.

50. You may find it helpful to take account of the compliance checklists¹⁸ in the CMA guidance when producing your self-assessment. Completion of the checklists does not in itself constitute a self-assessment, and these should not be submitted as evidence.

Student protection plan condition C3

Condition	Where in the OfS regulatory framework
Condition C3	Regulatory framework, <u>paragraphs 381 – 396</u>

51. To register you will need to produce and submit a student protection plan (SPP) as part of your application. If we approve your SPP during the registration process that means

¹⁵ Condition B8 applies to a provider submitting an application on or after 1 May 2022.

¹⁶ See www.officeforstudents.org.uk/media/084f719f-5344-4717-a71b-a7ea00b9f53f/quality-and-standards-conditions.pdf.

¹⁷ See www.gov.uk/government/publications/higher-education-consumer-law-advice-for-providers.

¹⁸ Checklists can be found in Annex A, pages 55 to 59, of the CMA's guidance.

that condition C3 is satisfied. If you are successfully registered you will then need to publish your approved SPP on your website.

52. You will also need to submit any policy you have about providing refunds and compensation to students.
53. Your SPP is intended to provide assurance to your current and future students, and to us, that you have in place appropriate arrangements to protect the quality and continuation of study for your students. It should be written with students in mind as the audience and should set out your approach to protecting their interests transparently and clearly.
54. You must tailor your SPP to your specific circumstances and base it on your assessment of risks to the continuation of study for your students. It should not take a 'one size fits all' approach, recognising that the risks to continuation of study and the impact of changes will differ for students with different needs, characteristics and circumstances. You should consider, as a minimum, the possible different needs of students sharing particular protected characteristics (as defined in the Equality Act 2010) when preparing your SPP. It should include the actions you are taking to mitigate those risks.
55. A template is provided at Annex D. Your plan will need to consist of the following four elements.

Element 1: Your assessment of the range of risks to the continuation of study for your students, how these risks may differ based on your students' needs, characteristics and circumstances, and the likelihood that those risks will crystallise

56. You should set out the reasons for your assessment and, in doing so, we would expect you to consider the likelihood of non-continuation of study for your students where:
 - a. The provider can no longer operate, or has decided to cease operating.
 - b. The provider has lost the power to award degrees or has lost validation for one or more of its courses.
 - c. The provider is, or expects to be, operating with probationary degree awarding powers.¹⁹
 - d. One or more of the locations at which you deliver courses to students is no longer available, particularly if you are considering closure or significant change to a location.
 - e. You can no longer deliver courses to your students in one or more subject areas and/or departments.

¹⁹ See www.officeforstudents.org.uk/advice-and-guidance/regulation/degree-awarding-powers/.

- f. You can no longer deliver one or more courses to your students, particularly if you are considering course closures in the next three years.
 - g. You can no longer deliver material components of one or more courses, particularly if there are areas of particular vulnerability, such as single-person dependencies for teaching.
 - h. You can no longer deliver one or more modes of study to your students, particularly if you are considering withdrawing a mode of study.
 - i. You can no longer recruit or teach a particular type of student, such as international students.
57. Your assessment may show that risk in some of these areas is not sufficiently likely to crystallise to need specific mitigation. For example, your financial performance and business continuity plans might make it very unlikely that the provider would not be able to operate.

Element 2: The measures that you have put in place to mitigate those risks that you consider to be reasonably likely to crystallise

58. The measures you set out in your SPP must be fair, reasonable and viable. They should take into account the diversity of your students and their needs, including for example considerations of mobility, educational need, parity of course content or financial consequences. The plan will need to acknowledge that a single measure to allow students to continue their studies might not be uniformly appropriate for each student in each instance. Students from different backgrounds will have different needs; for some students, alternative courses will be acceptable, while others will wish to transfer. Some students will need tailored support whatever measure is adopted.
59. Examples of measures to preserve continuation of study for your students include, but are not limited to:
- a. A commitment that you will 'teach out' all your students currently registered on a course. This might be an appropriate approach if you decide for strategic reasons to discontinue a course, or a subject area, or a department, and you have the financial resources to teach students through to the end of their course. Teach out might be a less appropriate approach where you, or we, have concerns about standards or the quality of the academic experience on a course.
 - b. A commitment by another provider, normally your validating partner, but possibly one or more other suitable providers, to teach out all your students currently registered on a course. We might ask to see confirmation of any such commitments from other providers if we consider that the risk of non-continuation of study for your students is likely to crystallise.
 - c. A commitment that you will offer other, alternative, courses from your portfolio to affected students. This might not be an appropriate approach for students who wish to study the particular course or subject that is being discontinued. In seeking to

implement such a change of course you would also need to be mindful of consumer protection law and CMA guidance.

- d. A commitment that you will make every effort to support individual students to find an alternative course at another provider. Support for such 'transfer of study' is likely to include, but not be limited to, certification of credit or a record of academic achievement to facilitate admission to the receiving provider.
60. We expect your SPP to set out the measures you will put in place to preserve continuation of study for students on courses where you are a sole or rare supplier, or where your provision might be considered 'niche'. Your plan should also cover students taught by your delivery partners in subcontractual arrangements.
 61. If you are applying to register a further education college or a sixth form college, your SPP does not need to include measures to preserve continuation of study for students in the event of whole provider closure. Your principal regulator, the Education and Skills Funding Agency (ESFA), will provide us with assurance about this.

Element 3: Information about the policy you have in place to refund tuition fees and other costs to your students if you can no longer preserve continuation of study

62. All providers should have a refund and compensation policy. There will be circumstances in which it is not possible to preserve continuation of study for one or more of your students and, in these circumstances, you will need to refund a student's fees and other relevant costs. Your refund and compensation policy should link to, or be included in, your SPP and should make provision for:
 - a. Refunds for students in receipt of a tuition fee loan from the Student Loans Company.
 - b. Refunds for students who pay their own tuition fees.
 - c. Refunds for students whose tuition fees are paid by a sponsor.
 - d. The payment of additional travel costs for students affected by a change in the location of their course or funding to offset additional costs incurred by relocation (for example, students with caring responsibilities whose childcare costs increase significantly, perhaps by transferring from a provider with a subsidised crèche to one without).
 - e. Commitments to honour student bursaries.
63. Your refund and compensation policy should also include provision for the payment of compensation to students to cover, for example:
 - a. Maintenance costs and lost time where it is not possible to preserve continuation of study.
 - b. Tuition and maintenance costs where students have to transfer courses or provider.

64. Your SPP should set out how you will ensure that you can deliver the financial implications of your refund and compensation policy. Your assessment may show that you have adequate cash reserves to underwrite likely costs. Where this is not the case, you may need to take out insurance, or to establish a 'student refund and compensation' fund to cover likely costs. We understand that you may not have such arrangements in place when you apply for registration so where your SPP indicates that they could be necessary we may apply a specific condition of registration requiring these arrangements to be put in place.

Element 4: Information about how you will communicate with students about your student protection plan

65. Your SPP will need to contain information about the arrangements you have put in place to communicate the provisions of your plan to current and future students. You should indicate how you will share it with, and explain it to, current and future students, including by:
- publication on your website
 - including it with the material you provide to applicants when you make an offer to study on a course
 - drawing the attention of current students to your plan on a regular basis.
66. You should also indicate in your plan:
- a. How you will share it with, and explain it to, your staff, including by:
 - publication on staff intranet pages
 - inclusion in your policy and process documents for course changes and closure
 - inclusion in relevant staff training activities.
 - b. How you will work with your current students in the development of your plan to ensure that it is a living document that is reviewed and updated appropriately as your risk assessment changes. You should indicate in your plan:
 - how often it will be reviewed
 - how it will be reviewed
 - how your students will be involved in its review.
 - c. The arrangements you will put in place to communicate with affected students should the plan need to be implemented. You should indicate in your plan how students will be informed and involved when you need to implement any of the provisions of your plan, including:

- a minimum number of days' notice to be given to students in the event of course, campus or planned provider closure
- the range of collective and individual communication mechanisms you will use to ensure that all students, regardless of their circumstances, can actively engage with discussions about the implementation of your plan
- the availability of independent advice for students
- how students may complain about the way you are implementing your plan.

Financial viability and sustainability condition D

Condition	Where in the OfS regulatory framework
Condition D	Regulatory framework, <u>paragraphs 397 – 423</u>

67. The financial evidence that you need to provide will vary depending on how long your provider has been in operation:
- If your provider has been in operation and providing higher education for more than three years, you will need to provide full audited financial statements for the last three years.
 - If your provider has been in operation and providing higher education for fewer than three years, you will need to provide full audited financial statements for as many of the last three years as you have been providing higher education. You are also required to submit your business plan and information about your financial backing. We will consider evidence that provides us with a similar level of information about your financial viability and sustainability as we would find in audited financial statements if you had them.
 - If your provider has not provided higher education in the last three years, you do not need to provide audited financial statements, although we encourage it. If you do not provide audited financial statements, you must submit your business plan and information about your financial backing. We will consider evidence that provides us with a similar level of information about your financial viability and sustainability as we would find in audited financial statements if you had them.
68. You will also need to provide financial and student number tables. These will need to cover historical financial performance and forecasts for five years following the most recent financial year for which audited financial statements are available (or, if you do not submit audited financial statements, for the current financial year and for four future years). The financial tables must be accompanied by a commentary.
69. We require full audited financial statements as set out above even if this is not a legal requirement for your business. Audited financial statements must include the following, on the basis set out in the Financial Reporting Standard 102 (FRS102) or the International Reporting Standards (IFRS):

- a. A 'Statement of financial position' (balance sheet).
- b. Statement of comprehensive income' incorporating profit or loss for the period and items of other comprehensive income
- c. A 'Statement of changes in equity' or a 'Statement of income and retained earnings' or a 'Statement of changes in reserves'.
- d. A 'Statement of cash flows'.
- e. Notes to the financial statements.

70. The auditor must be:

- a. Independent of the provider.
- b. Independent of the preparer of the accounts and the financial statements.
- c. Listed on the Register of Statutory Auditors.²⁰

71. We will provide a template for your financial forecasts as a downloadable document via our application portal.

72. In some cases, we may need additional financial information from you during our assessment. This is more likely if the assessment of your registration application takes longer than one year, in which case we may require updated financial tables and commentary, and any additional years of audited financial statements which are available.

73. Separate guidance about our requirements for financial information (including how to complete the financial forecasts template) is available at:
www.officeforstudents.org.uk/publications/regulatory-advice-3-registration-of-new-providers-in-2019-20/.

Further education colleges and sixth form colleges

74. We will seek information from your principal regulator, the ESFA, to assess your compliance with this condition. This will include your financial health rating and any published notice to improve. You do not therefore need to provide the financial information set out in this section.

Management and governance conditions E1 and E2

Condition	Where in the OfS regulatory framework
Condition E1	Regulatory framework, paragraphs 424 – 434 Regulatory framework ' Annex B: Public interest governance principles '

²⁰ See www.auditregister.org.uk/Forms/Default.aspx.

Condition E2	Regulatory framework, <u>paragraphs 435 – 451</u> Regulatory framework ' <u>Annex B: Public interest governance principles</u> '
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75. You will need to show, through a self-assessment and by submitting relevant documents, that your governing documents uphold the public interest governance principles and that your provider has adequate and effective management and governance arrangements in place. You will also need to show that your provider is owned and managed by 'fit and proper' persons.
76. As we assess your self-assessment, we will also consider any other evidence about the adequacy and effectiveness of your management and governance arrangements from other regulators such as the Home Office.
77. We recognise that providers have different levels of complexity (based on factors such as legal form, group structure, partnerships, locations, size etc.) and we do not expect to see a single model of management and governance arrangements that is appropriate for all providers. In particular, for small providers, it is likely that the governing body, or its equivalent (which might be the senior management team) might undertake all of the functions that in a larger provider would be delegated to committees. However, arrangements that may be appropriate for small providers might not be appropriate for larger, or more complex providers, or those with degree awarding powers or university title.

Your self-assessment of how your governing documents uphold the public interest governance principles and the extent to which your management and governance arrangements are adequate and effective

78. By '**governing documents**' we mean the documents that describe any of your objectives or values, your powers, who has a role in decision-making within your provider, **how you** take decisions on how to carry out your functions and how you monitor the exercise of those functions.
79. Depending on your legal form, your governing documents may include a Royal Charter, statutes and ordinances, memorandum and articles of association, or instruments of government and/or a trust deed or deeds.
80. Unless you are a very small provider, governing documents are also likely to include documents such as schemes of delegation, terms of reference of committees to which significant functions have been delegated, policies on matters such as management of conflicts of interest, support for freedom of speech or academic freedom, and/or member/shareholder agreements where these may influence your operation.
81. You must submit copies of any governing document to which you refer in your self-assessment as part of your application.

82. The public interest governance principles are set out in Annex B of the OfS's regulatory framework.²¹
83. By **'management and governance arrangements'** we mean how your organisation implements its governing documents in practice.
84. In assessing whether arrangements are **'adequate'**, we will seek to determine if the procedures in place are designed appropriately, and in assessing whether the arrangements are **'effective'**, we will consider whether these are operating properly.
85. By **'self-assessment'** we mean your own evaluation of how your organisation meets the conditions, how you have reached this conclusion, and the evidence you are using to make this assessment.
86. With your self-assessment and governing documents, you may also submit additional supporting evidence (for example, governance structure charts), where this will help us to understand your management and governance arrangements.
87. Your self-assessment should include:
- a. An assessment of how your governing documents uphold the public interest governance principles that are relevant to you and the category of registration you are seeking.
 - b. A brief description of your management and governance arrangements and why you think these are appropriate for the size and complexity of your organisation.
 - c. An assessment of the extent to which management and governance arrangements are adequate and effective.
88. If you are a further education college or a sixth form college, your self-assessment only needs to address the management and governance arrangements for your higher education provision.
89. If you use a particular governance code and this code is, in your judgement, consistent with some or all the public interest governance principles, your self-assessment could refer to how you have formally adopted that code and ensure ongoing compliance with it. However, we do not require you to use any governance code if you do not wish to do so. Your self-assessment should clearly set out:
- a. Which elements of the governance code you consider to be relevant to which of the public interest governance principles.
 - b. Any elements of the governance code you have not adopted and the reasons for this (for example, due to the size or complexity of your provider).

²¹ See www.officeforstudents.org.uk/advice-and-guidance/regulation/the-regulatory-framework-for-higher-education-in-england/.

- c. Evidence that the governance code (or elements of the code) has been formally adopted by your governing body. This evidence should be submitted with your application.
90. A suggested template for your self-assessment is provided at Annex F, or at Annex G if your provider is a further education college or sixth form college.
91. If we have any concerns about the appropriateness, adequacy or effectiveness of your management and governance arrangements we may carry out an on-site review to confirm that you satisfy the initial conditions of registration. We may also carry out such a review if you are applying for degree awarding powers.

Additional requirements for providers applying to the Approved (fee cap) category

92. If you are applying for registration in the Approved (fee cap) category, your self-assessment will need to show that you can meet two additional public interest governance principles. This is to recognise that you will be eligible to receive OfS public grant funding, and that you are required to have structures and processes in place to ensure that there is appropriate accountability to Parliament for these funds. The additional principles are in line with those set out in HM Treasury's 'Managing public money' and are designed to ensure sound and open decision-making, regularity, propriety and value for money.

Definitions

Regularity

By 'regularity' we mean compliance with the relevant legislation (including State Aid) and funds are used only for the purpose for which they are given, and in line with any conditions attached.

Propriety

By 'propriety' we mean meeting high standards of public conduct, including the relevant parliamentary expectations, especially transparency.

Value for money

By 'value for money' we mean meeting the need for efficiency, economy, effectiveness and prudence in the administration of public resources, to secure value for public money in relation to the public funding received.

93. If you are likely to receive public grant funding if successfully registered, then your self-assessment will need to set out the arrangements that are already in place that meet these additional requirements or the actions that you will need to take to introduce the necessary arrangements.

94. To meet these two additional public interest governance principles, you will need to point to evidence in your self-assessment that:
- a. You have, or will have, internal audit arrangements, including an audit committee, to provide an annual opinion on the adequacy and effectiveness of arrangements:
 - i. To ensure that funds are used for purpose.
 - ii. For securing value for money.
 - b. Your audited financial statements include, or will include:
 - i. A 'Statement of corporate governance' that sets out your corporate governance arrangements.
 - ii. A 'Statement of internal control' that sets out the adequacy and effectiveness of your arrangement for internal control, including of your management and governance arrangements.
 - c. You publish, or will publish, your audited financial statements.
 - d. If your provider is a charity, your trustees' personal behaviour is in accordance with your ethical framework and that this framework builds on the 'Nolan Principles of Public Life'.²²
 - e. If your provider is not a charity, you have a policy framework on ethics which has regard to those 'Nolan Principles of Public Life' that are relevant to a profit-making organisation.
95. For small providers, with low complexity, we recognise that an internal audit function and an audit committee might not be appropriate. Once registered, this requirement could therefore be met by a 'Statement of corporate governance' in your audited financial statements that sets out your arrangements for control and risk management, and an opinion by your external auditors that you use the funds for the purposes given.
96. An indication of what we would consider to be a small and low complexity provider is a provider that is each of the following:
- a. A single entity with simple control and ownership structures.
 - b. Having activity based only in England.
 - c. Delivering only higher education activity.
 - d. Of the following size:
 - i. < £3 million turnover

²² See www.gov.uk/government/publications/the-7-principles-of-public-life.

- ii. < 500 FTE students
- iii. < £1.5 million total net assets.

Are my provider's owners and managers 'fit and proper' persons?

97. To satisfy the management and governance conditions you need to demonstrate that your organisation is owned (where relevant) and managed by 'fit and proper' persons. The purpose of the 'fit and proper' test is to ensure that the ownership and management arrangements for a provider are appropriate and do not present a risk to students or to public funds.
98. To assess whether your organisation is owned and managed by 'fit and proper' persons, we will ask you for information on the application form about key individuals including, where relevant:
- a. Your nominated 'accountable officer'.
 - b. The chair of your governing body.
 - c. Your main shareholders.
 - d. Your directors or trustees.
99. We will also ask you to confirm to us that every individual whose details you have passed to us has consented in writing to our holding and processing their personal data for the purpose of our regulation of your provider, and that you will provide us with a copy of that consent on request.

Definitions

Accountable officer

The accountable officer must be a senior officer at the provider, who should normally be the head of the provider, vice-chancellor, principal, chief executive, or equivalent. An accountable officer is the officer who reports to the OfS, the designated data body and the designated quality body on behalf of the provider and has the responsibilities set out by the OfS. If your provider is a further education college or sixth form college, this will be the person who acts as the 'accounting officer' for the ESFA.

Chair of governing body

This is the person responsible for leading the governing body, or equivalent, and who has ultimate responsibility for strategic decision-making and oversight of the provider.

The term 'governing body' has the meaning given in section 85 of HERA. Broadly, this will be any board of governors of the provider or any person or group of people responsible for the management of the provider or company, or an equivalent

controlling body. This might be the board of directors, or the trustees of a charity, for example.

We recognise that for very small providers there might be a very small group of people responsible for management and one individual may be both the chair and the accountable officer.

Main shareholders

Your main shareholders are defined as any individual or company shareholders with more than a 20 per cent holding either by value or by voting rights. For entities not limited by shares, the same threshold of 20 per cent of ownership should be applied.

Directors

Your directors are the senior people involved in running the provider, or they could be non-executive directors with responsibility for the oversight of the provider, whether or not they are called 'directors'.

Trustees

Trustees has the meaning given by section 177 of the Charities Act 2011 – trustees are the people who have the general control and management of the administration of a charity.

100. A 'fit and proper' person:

- a. Is of good character.
- b. Has the qualifications, competence, skills and experience that are necessary for their role.
- c. Is able by reason of their health, after reasonable adjustments are made, to properly perform the tasks of the office or position for which they are appointed.
- d. Has not been responsible for, been privy to, contributed to, or facilitated, any serious misconduct or mismanagement (whether unlawful or not) in their employment or in the conduct of any entity with which they are or have been associated.

101. The following are indicators that a person may not be a fit and proper person:

- a. Disqualification from acting as a company director, or from acting as a charity trustee, as set out in the Company Directors Disqualification Act 1986 or the Charities Act 2011.

- b. Conviction of a criminal offence anywhere in the world.²³
 - c. Subject of any adverse finding in civil proceedings, where relevant, including, but not limited to bankruptcy or equivalent proceedings (in the last three years).
 - d. Subject of any adverse findings in any disciplinary proceedings by any regulatory authorities or professional bodies.
 - e. Involvement in any abuse of the tax systems.
 - f. Involvement with any entity that has been refused registration to carry out a trade or has had that registration terminated.
 - g. Involvement in a business that has gone into insolvency, liquidation or administration while the person has been connected with that organisation or within one year of that connection.
 - h. Dismissal from a position of trust or similar.
 - i. Involvement with a higher education provider that has had its registration refused or revoked by the OfS or has had similar action taken against it by another regulator (this includes, but is not limited to, serving on a board or governing body, having voting rights, being a significant shareholder or owner, serving in a senior position).
102. Where one of these indicators does apply to an owner or one of the positions listed in paragraph 98, you must disclose this to us and show evidence that you have investigated and considered the appropriateness of the involvement of the individual or company.
103. We will determine whether the matter:
- a. Is relevant to the individual's role.
 - b. Has been appropriately addressed by you.
 - c. Affects your application.
104. As we assess whether your owners and managers are 'fit and proper' persons, we will take into account any information contained in your application. If you are part of a wider group structure, we may contact you separately to request further information about the owners and managers of any parent companies and/or the ultimate controlling party.

²³ Based on reasonable enquiries by the provider in which individuals are asked to disclose all relevant matters that occurred in the UK and/or in a foreign jurisdiction. We would not expect individuals to disclose matters that are 'spent' under the Rehabilitation of Offenders Act 1974, but they may do so if they wish; particular consideration will be given to offences of dishonesty, fraud, financial crime or an offence under legislation relating to higher education, further education and charities, whether or not in the UK.

Section 5: How do I download and complete an application form?

Confirm your provider's UKPRN

105. To register you will first need a UK provider reference number (UKPRN). This is a unique identifier for each learning provider. You will need to register with the UK Register of Learning Providers (UKRLP) to receive this number. Registration with the UKRLP means that an individual or organisation has been verified against a recognised legal source. It is not an accreditation and provides no guarantee of the quality of your learning provision.
106. To register with UKRLP you will need to visit www.ukrlp.co.uk/ and follow the steps once you have clicked on the register button. When your application has been verified, UKRLP will issue you with a UKPRN. This will be used as part of the application process to register with us.

Request an Access Key

107. We will need some preliminary information from you to ensure that you can submit your application via our registration portal. Please contact us at regulation@officeforstudents.org.uk to request an 'access key request form'.
108. When we have your contact details and returned your 'access key request form', we will write to you providing instructions about how to use the registration portal, including login information (access keys) and instructions about how to submit your application and supporting evidence. You will then be able to download an application form from the portal.

Complete the application form

109. The application form will request the following information:

Field of information	Explanation
The provider's name	The legal name and trading names of the provider you wish to register.
The category in which you are seeking registration	One of: <ul style="list-style-type: none">• Approved (fee cap) (and indicating whether you will be charging basic or higher fees or are a postgraduate-only provider).• Approved (and indicating whether you are applying for student sponsor licence or Disabled Students' Allowance purposes only).
Whether you expect to apply for degree awarding powers	You will need to specify the type of powers for which you wish to apply and whether this is on a probationary or full authorisation basis. ²⁴

²⁴ Separate guidance about the process for applying for degree awarding powers is published at www.officeforstudents.org.uk/advice-and-guidance/regulation/degree-awarding-powers-and-university-title/.

following a decision on registration	
The provider's unique identifier	Your UKPRN allocated by the UK Register of Learning Providers.
The provider's contact information	<p>The address of your primary place of business.</p> <p>An email address which students and members of the public can use to contact you with any general enquiries. If you do not have an appropriate email address, you may provide a 'contact us' (or similar) web page instead. We would advise you not to provide the email address of an individual member of staff.</p> <p>A telephone number which students and members of the public can use to contact you with any general enquiries. We would advise you not to provide the telephone number of an individual member of staff.</p>
The address of the provider's website	The address of your primary website.
Information about the key individuals who own and/or manage the provider	<p>The name, date of birth and role title of the key individuals who own and manage your provider:</p> <ul style="list-style-type: none"> • Accountable officer. • Chair of governing body or equivalent. • Main shareholders. • Directors or trustees. <p>If you are part of a wider group structure we may need further information about the ownership and management of any parent companies.</p>
Information about your higher education provision	A list of courses that you intend to offer.
Date that university title was awarded	If you hold university or university college title, we will ask for the date this award was made.
How university title was granted	If you hold university or university college title, we will ask how it was awarded (Charter, or under an Act of Parliament).
Validation	<p>If you have degree awarding powers, we will ask whether you validate the degrees at any other provider, and ask you to provide a list of any such arrangements in place at the date of your application.</p> <p>If you do not have your own degree awarding powers, we will ask if any of the higher education you offer is validated by a degree awarding body.</p>
Subcontractual arrangements	If you have entered into any formal subcontractual relationships (also known as a 'franchise') with other higher education providers, we will ask you to provide a

	list of all arrangements in place at the date of your application.
Degree awarding powers	<p>If you hold degree awarding powers, we will ask you to confirm when this award was made and the type of degree awarding powers held. You should specify the award date of the highest level of degree awarding powers you hold.</p> <p>We will ask if the award is indefinite, or limited and if so, for what period.</p>
The provider's legal form	<p>The provider's legal form, for example whether it was created by Royal Charter, Act of Parliament, or as a company limited by shares or guarantee.</p> <p>Whether the provider is an exempt or registered charity.</p>

Section 6: What information do I need to submit?

110. We have set out guidance about the documents you need to submit with your application in Annex C. This will help you to submit all the information we need to assess your application against the initial conditions of registration²⁵ so that the process runs as smoothly as possible. As well as a list of documents, we have also set out in Annex C some information about common errors and issues that cause delays to the process or otherwise prevent us from completing our assessment.
111. If your application does not contain sufficient information for us to make an assessment against the initial conditions of registration, we will write to you to explain this. We cannot progress our assessment until you provide us with sufficient information. In these circumstances we will offer you a further opportunity to submit all the information we need and will normally allow up to three months for you to do so. If you do not submit the information we request within this timeframe, we will not be able to take your application any further.
112. It is therefore important that, before you submit your application, you read carefully all the relevant guidance and gather all the information and evidence you should submit.
113. When you submit your application, we will confirm that we have received it and tell you the next steps for assessing it and reaching a decision.

²⁵ Please see Annex B for a list of all the initial conditions of registration.

PART B: How will we assess your application to register?

When you have submitted your application to register, we will:

1. Check that you have submitted all the information we need

See section 7: Have you submitted all the information needed for us to assess your application?

2. Assess your application

See section 8: How do we assess your application?

3. Tell you the outcome

See Section 10: What is the outcome of your application?

4. Tell you what you need to do to stay registered

See Section 12: What do you need to do to stay registered?

Section 7: Have you submitted all the information we need to assess your application?

114. Once we have received your application, we will check the information you have submitted against the guidance in Annex C. If we have everything we need to assess your application against the initial conditions of registration, we will begin our assessment.
115. If we do not have everything we need, we will write to you to explain this. We cannot progress our assessment until you provide us with further information. In these circumstances we will offer you a further opportunity to submit all the information we need and will normally allow up to three months for you to do so.

If you do not submit the information we need in this timeframe, we will not be able to take your application any further.

Section 8: How do we assess your application?

Eligibility for registration

116. A provider can only register if it is, or intends to become, an English higher education provider. We will consider three elements to determine whether an entity is an English higher education provider:
- a. It provides 'higher education'.
 - b. Its activities are 'principally carried on in England'.
 - c. It is an 'institution'.
117. More information about each of these elements is provided in Annex A.
118. We will use information in your application, and publicly available information (from Companies House, for example) to identify the 'institution' to be registered and confirm your provider's eligibility as an 'English higher education provider'. This is a straightforward assessment for many providers. However, for some it can be more complex, and we may contact you for further information. In these circumstances, this aspect of our assessment can take time, and this will have an impact on the overall timescale.
119. Where a provider has a complex legal form, for example involving overseas control, we may seek specialist advice, including corporate intelligence and due diligence work from independent experts about these issues. If this is necessary, we may charge you for its cost. If the fee is not paid, we may decline to consider your application further.
120. If we do not think that your provider meets the definition of an 'English higher education provider', we will write to you to set out the implications of this.

Assessment against the initial conditions of registration

121. We will carry out a detailed assessment of your application for registration using the evidence that you have submitted with your application, and any other relevant information available to us.
122. During the assessment process we may have further questions that we need you to answer. This means that you should be prepared to engage with us and to provide any other information we request. We will allow reasonable time for you to submit further information. We will take the following approach during the assessment process:
 - a. If you respond to our questions or requests but cannot supply the information we have asked for within a reasonable deadline (normally within three months), we will not be able to take your application any further. If you need more time to submit information you may withdraw your application and reapply later (see Section 9: Suspending or withdrawing from the application process).
 - b. If you do not respond to our questions or requests for further information by the deadlines we set, we will not be able to take your application any further.
123. If you have submitted an access and participation plan, there may be a period of discussion and challenge and you will have the opportunity to make amendments or provide further evidence if appropriate. Further information about this process is set out in 'Regulatory notice 1: Access and participation plan guidance'.²⁶
124. The way we will assess whether your provider satisfies initial condition B3 is set out in 'Regulatory advice 20: Regulating student outcomes' (see paragraphs 6 to 34).²⁷ The initial condition will apply to your provider if, in our judgement, data showing your provider's performance against at least one indicator or split indicator exists, and that data relates to at least one of the preceding five years.
125. If the initial condition applies to you, we will undertake an initial assessment against all indicators and split indicators, focusing on those that are not at or above the relevant numerical threshold. If we do not judge that your performance in relation to those indicators and/or split indicators is positive, then you may be invited to submit information about the context in which you delivered those outcomes for your students. This will happen before we take any provisional or final decision regarding your application (see section 10). We will write to you about this during the registration process if required, but you will not otherwise need to submit any information for the assessment of this condition.

²⁶ See www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/.

²⁷ A revised condition B3 (student outcomes) came into effect on 3 October 2022. For providers that apply on or after 3 October 2022, the revised condition comes into effect on the date of application. We have published a Notice of Determination which sets out transition arrangements for providers that applied for registration before 2 October 2022.

126. We will assess your application to determine your compliance with initial condition B7 (see Annex H which sets out the information submission requirements for condition B7). We will determine whether it is necessary to undertake an assessment visit to your provider as part of that assessment, including the form that visit should take, and whether it should be undertaken by assessors able to provide expert academic judgement. A visit may include interviews with relevant staff and students. We would be more likely to decide that a visit is not necessary if, with reference to the circumstances of your individual case, the evidence needed to make the relevant regulatory decisions can be easily obtained without a visit.
127. During our assessment we will need to commission the DQB to undertake a standards assessment. This assessment provides us with evidence about whether condition B8 (standards)²⁸ is likely to be satisfied.
128. The DQB will publish guidance about how it will conduct a standards assessment, the evidence you will be required to submit and the fees it will charge for that assessment. The DQB will not accept a submission from you until the OfS has referred your case and asked for an assessment. During the assessment process, we will confirm with you when we are ready to commission the standards assessment so that you can plan accordingly. We will expect you to confirm your readiness for the standards assessment at this point, including that you have read and understood the DQB's requirements. Failure to do so is likely to delay any decision about your application for registration.
129. From 1 April 2023 the OfS will conduct standards assessments itself and we will write to you with further information if this applies to your application.

Risk assessment

130. As we assess your application, we will also conduct a risk assessment to determine the extent of the risk that you will breach one or more of your general ongoing conditions of registration if your provider is registered.
131. Where our assessment suggests that you may not be able to satisfy the initial conditions of registration, or where we consider there to be an increased risk of a future breach of an ongoing condition of registration, we may seek additional information from you.

General and specific ongoing conditions of registration

132. Where we decide that you satisfy the initial conditions of registration, we will determine:
- a. Which general ongoing conditions of registration will apply to your registration.

²⁸ See 'Quality and standards conditions' under '1 May 2022: Revised conditions of registration and Notice' at www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/.

- b. Whether any specific ongoing conditions of registration should be imposed to mitigate any areas of increased risk identified by our risk assessment.
- c. Whether enhanced monitoring requirements are necessary as a result of our risk assessment.

Section 9: Suspending or withdrawing from the application process

Can I suspend my application?

133. The OfS will consider requests to suspend an application to register on a case-by-case basis. You must be able to demonstrate a clear rationale for any suspension. Any agreed suspensions will be subject to a reasonable time limit determined by the OfS, and this will not normally be longer than three months. If you wish to suspend your application, you should write to regulation@officeforstudents.org.uk setting out your request, including the reasons and how long you want the suspension to last.

Can I withdraw from the application process?

134. During our assessment and before we reach a decision, we may share information with you that indicates your provider's application is unlikely to satisfy the OfS's requirements, and that our assessment would be likely to result in a provisional decision to refuse registration. In these circumstances we may tell you if there are actions you can take to address the issues identified, including any additional information your provider needs to submit to meet the OfS's requirements. However, based on this information you may wish to withdraw your application.
135. You may also wish to withdraw your application for other reasons such as a change of circumstances at your provider or a change in your plans to seek registration.
136. You may normally withdraw your application to register at any time, up to the point your provider receives:
- a. Any draft report regarding quality and/or standards from the DQB or the OfS where this contains negative judgements.
 - b. A provisional decision from the OfS that it is 'minded to refuse' your application.
137. Although any request for withdrawal will be considered on its own merits, we expect that providers that receive a negative draft report either from the DQB or the OfS about quality and/or standards, or a 'minded to refuse' registration decision from the OfS, will not normally be permitted to withdraw.
138. This is because in cases where there are serious concerns and evidence that demonstrate that one, or more, of the initial conditions of registration are not likely to be satisfied, it is important that the OfS's decision-making process is concluded, in the interests of students and other stakeholders.

Reapplying for registration following withdrawal of a previous application

139. If you have previously withdrawn from the application process, you may reapply at any time.
140. We will consider each application on a case-by-case basis, however, we are likely to prioritise applications made by providers that are applying for the first time ahead of providers that have previously applied and have withdrawn. If you withdraw and

reapply, therefore, assessment could take longer than the timeframes set out in section 11.

Section 10: What is the outcome of your application?

If your application is successful

141. If we approve your application for registration, we will write to you to confirm:
- a. The date of your registration and the date on which we will publish your details on the Register.
 - b. That your provider is eligible for registration and satisfies the initial conditions of registration.
 - c. The general ongoing conditions of registration that will apply.
 - d. Whether we will impose any specific conditions of registration at the point of registration – see below.
 - e. Whether we will put in place any enhanced monitoring requirements at the point of registration, or require you to provide other information on an ongoing basis, for example by specifying that a particular type of reportable event is always reportable for your provider.
 - f. If applicable, whether your access and participation plan has been approved and the way in which you make any representations about that decision.²⁹
142. You can read more about specific conditions of registration, enhanced monitoring requirements and reportable events in the regulatory framework.³⁰

If we intend to impose any specific conditions of registration

143. If we intend to impose any specific conditions of registration we will notify your governing body of our provisional decision, setting out:
- a. The wording of the proposed specific condition(s).
 - b. The reasons for the provisional decision to impose the specific condition(s).
 - c. How you can make representations about our provisional decision.
 - d. The timeframe for you to make such representations (not less than 28 days).
144. We will consider any representations you wish to make before making our final decision. We will do this before we make a final decision about your registration.

²⁹ See paragraphs 41-48 at www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/.

³⁰ See www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/.

If your application is unsuccessful

145. If we intend to refuse your application for registration, we will notify your governing body of our provisional decision to refuse registration, setting out:
- a. The reasons for our refusal.
 - b. How you can make representations about our provisional decision.
 - c. The timeframe for you to make such representations (not less than 28 days).
146. We will consider any representations you wish to make before making our final decision.
147. When we make a provisional decision to refuse registration, we will identify the initial conditions of registration that are not satisfied. In these circumstances we may not have completed our assessment of some other initial conditions. For example, we may not have assessed condition B8 because we have not yet asked the DQB to undertake a standards assessment.
148. If you apply for registration in the Approved (fee cap) category and do not meet the additional requirements for that category but do satisfy the initial conditions of registration for the Approved category, we may discuss with you the possibility of registering in the Approved category instead.

Our decision following representations

149. If your representations cause us to reach a different view, we will write to you as follows:
- a. Where the outcome of our assessment of your representations is a decision that your provider should be registered, we will confirm this, including the information set out in paragraph 141.
 - b. Where the outcome of our assessment of your representations is a decision that we should proceed to assess conditions of registration that have not previously been assessed, we will set out:
 - i. The outcome of our assessment of your representations relating to the conditions we had assessed.
 - ii. The next steps for the assessment of any remaining conditions.
 - iii. Any further information we require from you to allow us to complete our assessment.
150. If our final decision is to refuse your application for registration, we will write to you to set out the grounds for our refusal.

Reapplying for registration following a final refusal decision

151. If your provider has received a final refusal decision, you may reapply once you can show that the concerns identified in the final decision letter have been fully addressed. If you reapply without having addressed these concerns, it is less likely that your application will be successful.

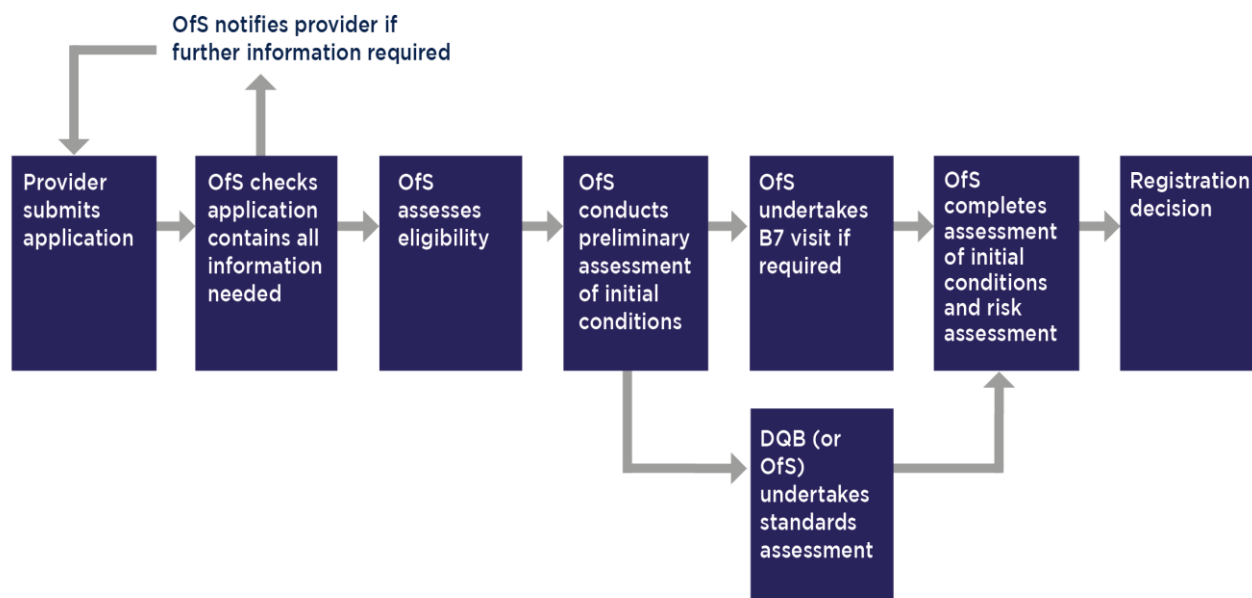
Information we will normally expect to publish about registration

152. Our general policy on the publication of information about providers can be found in 'Regulatory advice 21: Publication of information'.³¹
153. The information we would normally expect to publish includes:
- a. Any decision to register a provider.
 - b. Any decision to refuse registration for a provider, including the reasons for that decision.
154. For more information about publication matters, please refer to regulatory advice 21.

See www.officeforstudents.org.uk/publications/regulatory-advice-21-publication-of-information/.

Section 11: How long does the registration process take?

155. The main steps in the registration process, when it results in a positive decision to register, are shown below. Where the OfS takes a provisional decision to refuse registration, there are further steps in the process which are set out in Section 10.



156. The time it will take to complete each of these steps and reach a final registration decision depends on a number of factors, including whether:

- a. You submit all the information we need to assess your application against the initial conditions of registration in your first submission and respond to any questions or requests for further information in a meaningful way by the deadlines we set.
- b. You are ready for a visit as part of the assessment of condition B7, if one is required.
- c. Where applicable, you are ready to submit the information the DQB requires for its standards assessment as soon as we make a referral.
- d. Our assessment identifies complex issues which need to be resolved during the assessment process before a decision can be made.
- e. Our assessment identifies areas of concern that result in a provisional decision to refuse registration.

157. This means that we cannot give a precise timescale for each provider. However, where a provider submits all the information we need and engages with us responsively during the registration process, and we can progress smoothly to a decision, the indicative timetable shown below provides a reasonable guide:

Step of registration process	Indicative timeframe
Provider submits application	
OfS checks whether application is complete and confirms this with provider	4 weeks* *This does not include any additional time needed for a provider to submit additional information if the application is incomplete
OfS assesses eligibility, and undertakes preliminary assessment of initial conditions	8-12 weeks from the date the OfS confirms that it has sufficient information to begin its assessment
DQB conducts a standards assessment (where applicable)	8 weeks from the date the standards assessment is commissioned
Condition B7 (quality) visit takes place if needed	12-16 weeks from the completion of the preliminary assessment of initial conditions
OfS makes registration decision	4 weeks from the date the standards assessment is complete or the B7 visit has taken place (whichever is the later)

158. The OfS is likely to have a number of applications for registration at any one time and has a duty to consider using its resources in an efficient and effective way. In prioritising applications for assessment, we will exercise reasonable judgement and deal with all applications on a case-by-case basis. However, our assessment is likely to take significantly longer than shown in the timetable above where a provider:

- does not submit an application which allows us to make an assessment against the initial conditions of registration
- does not engage with us responsively during the assessment process (if, for example, it asks for an extended period to respond to queries or provide additional information)
- submits an application that is particularly complex, including where judgements about whether the initial conditions are satisfied are finely balanced.

159. In those circumstances you should plan for the possibility that it could take more than a calendar year to reach a final decision.

160. A provisional decision to refuse registration is likely to further extend this timescale.

Section 12: What does my provider need to do to stay registered?

161. If your provider is successfully registered, you will need to continue to satisfy our regulatory requirements. When we write to you with our registration decision, we will explain what you need to do to ensure that your provider can stay registered.
162. Your provider must comply with all the general ongoing conditions of registration that are imposed when it is registered and any that are subsequently imposed. These are set out in the OfS regulatory framework.³²
163. Your provider must also comply with any specific ongoing conditions of registration that are imposed at the point of registration or at any time thereafter. If we propose to impose specific ongoing conditions at any time, we will consult with you about this (please see Section 10 above).³³
164. We have published further guidance about our approach to monitoring and intervention.³⁴
165. We publish guidance in the form of regulatory advice, which is intended to help you understand and meet our regulatory requirements. The following are particularly important:
- a. Regulatory advice 16: Reportable events
www.officeforstudents.org.uk/publications/regulatory-advice-16-reportable-events/
 - b. Regulatory advice 14: Guidance for providers for the Annual Financial Return
www.officeforstudents.org.uk/publications/guidance-for-providers-for-financial-monitoring-returns/
 - c. Regulatory advice 9: Accounts direction
www.officeforstudents.org.uk/publications/regulatory-advice-9-accounts-direction-accounting-periods-beginning-on-or-after-1-august-2019/
 - d. Regulatory advice 10: Accountable officers. Guidance for providers on the responsibilities of accountable officers
www.officeforstudents.org.uk/publications/regulatory-advice-10-accountable-officers-guidance-for-providers-on-the-responsibilities-of-accountable-officers/

Registration fees

166. There is no fee payable for the initial registration process but, if you are successfully registered, you will be required to pay an annual registration fee to the OfS which is based on the number (full-time equivalent) of higher education students registered with you.

³² See www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/.

³³ Further information about specific ongoing conditions is also available in paragraphs 174 – 177 of the OfS's regulatory framework at www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/.

³⁴ See www.officeforstudents.org.uk/advice-and-guidance/regulation/monitoring-and-intervention/.

167. Payment of OfS registration fees is required under ongoing condition of registration G3 and explained in separate guidance published at www.officeforstudents.org.uk/publications/payment-of-annual-ofs-registration-fees/.

Fees payable to other bodies

168. If you are successfully registered, to satisfy ongoing condition G3, you will be required to pay an annual fee to:

a. The designated quality body (DQB), up to 31 March 2023.

b. The designated data body (DDB).

169. In addition, ongoing condition C2 requires a registered provider to cooperate with the requirements of the student complaints scheme run by the Office of the Independent Adjudicator for Higher Education (OIAHE), including the subscription requirements for that scheme.

170. For further information about fees payable to these bodies, please see the links provided on our website at www.officeforstudents.org.uk/advice-and-guidance/regulation/how-to-register/.

Prevent Duty

171. The OfS is the monitoring body in relation to the Prevent duty set out in the Counter Terrorism and Security Act 2015. The Prevent duty applies to the governing bodies or proprietors of 'relevant higher education bodies' (RHEBs), which includes all providers that are registered with the OfS. Further education colleges and sixth form colleges are monitored separately by Ofsted rather than the OfS

172. There is no Prevent submission or assessment for initial registration with the OfS but you should familiarise yourself with the requirements that would apply if you were successfully registered. Please see our website for further information: www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/counter-terrorism-the-prevent-duty/.

173. General enquiries about our Prevent requirements for registered providers should be directed to prevent@officeforstudents.org.uk or 0117 931 7150.

PART C: Annexes

Annex A: Eligibility for registration

1. A provider can only register with the Office for Students (OfS) if it is, or intends to become, an English higher education provider. We will consider three elements to determine whether an entity is an English higher education provider:
 - a. It provides 'higher education'.
 - b. Its activities are 'principally carried on in England'.
 - c. It is an 'institution'.
2. More information about each of these elements is provided below.

What is 'higher education'?

3. 'Higher education' is defined in the Higher Education and Research Act 2017 as a course of any description listed in Schedule 6 (as amended) to the Education Reform Act 1988.³⁵

What does it mean to have activities that are 'principally carried on in England'?

4. An English higher education provider is a provider whose activities are carried on, or principally carried on, in England. We interpret 'principally carried on in England' as meaning that more than 50 per cent of your activities are carried on in England. In assessing where your activities are carried on, we will take 'activities' to mean the activities that support the provision of higher education – including the delivery of teaching, designing of courses – rather than the learning. This means that it is the location of the provision, rather than the location of students, that will usually be the defining factor. For distance learning provision that is not delivered live, the location from which the provision is designed, managed and/or assessed will be the relevant location.

What is an 'institution'?

5. A provider can only be registered if it is an institution providing higher education. To determine whether an entity is an institution for these purposes, we will consider the following principles:
 - a. An institution is usually, but not necessarily, a distinct legal entity. This is therefore not a conclusive characteristic of an institution.
 - b. An institution can consist of various component parts which together make up a single institution, even where each of the component parts could, or does, form a distinct legal entity.
6. An institution must be able to demonstrate that it can satisfy the initial and ongoing conditions of registration in its own right. Normally, this means that an institution will have all of the following characteristics, which will persist over time:

³⁵ See www.legislation.gov.uk/ukpga/1988/40/schedule/6.

- its own name and brand identity, which makes it clearly distinguishable from other institutions or entities, to provide transparency for both students and the general public
 - a clearly distinguishable student body for whose teaching the institution is responsible
 - its own distinct governance structure, governing body and governing documents
 - it will not be under the control of another entity which is itself registered with the OfS or which has applied to be so registered
 - its own separate, distinguishable finances that allow for the identification of the institution's income and expenditure, balance sheet and cashflow
 - it will have all these characteristics for legitimate business reasons, a primary or dominant purpose of which is not to enable the entity to be separately registered with the OfS.
7. If a provider cannot demonstrate that it has all of these characteristics it is unlikely to meet the eligibility criteria for registration. If a provider satisfies the majority, but not all, of the characteristics, then the principles the OfS will consider to determine whether an exception should be made, so that the provider is eligible, include but are not limited to:
- whether separate registration of the provider would provide greater transparency and benefit for students
 - if the institution has historically existed, and for how long
 - whether it appears that the institution is being established with a purpose of avoiding regulation, or elements of it
 - how far registration of the provider would allow for regulatory alignment with other government departments or agencies.
8. An entity (Entity A) will be under the control of another entity (Entity B) if any of the following applies:
- Entity B holds or is entitled to acquire a majority of the shares in Entity A
 - Entity B holds or is entitled to acquire a majority of the voting rights in Entity A
 - Entity B has or is entitled to acquire the right to appoint or remove a majority of the governing body of Entity A
 - Entity B has or is entitled to acquire the right to exercise dominant influence over Entity A by virtue of provisions contained in either entity's constitution or in a contract, memorandum of understanding or other document regulating the entity; such provisions may include, but are not limited to, the right to approve Entity A's business or financial plan or budget
 - Entity B has or is entitled to acquire the right to a share of more than half the assets in the event of a winding up or in any other circumstances, or of more than half the income or profits, of Entity A

- Entity A is operated for the primary benefit of Entity B
 - both entities are in common or overlapping ownership or managed on a uniform basis or have a significant number of governors (or the equivalent) in common
 - Entity B has or is entitled to acquire the power, by any other means, to secure that the affairs of Entity A are conducted in accordance with the wishes of Entity B.
9. Where an entity is under the control of another entity we expect that there will be transparency about the ownership, governance and financial viability and sustainability of the controlling entity to the extent that we will be able to gain the same assurance from the controlling entity as we could from any English entity subject to UK laws.

Annex B: Initial conditions of registration

Initial conditions of registration	Where to find the full text of the condition ³⁶	Which providers the condition applies to
Access and participation conditions³⁷		
Condition A1	OfS regulatory framework, paragraphs 311 – 322	Providers applying in the Approved (fee cap) category and intending to charge higher fees
Condition A2	OfS regulatory framework, paragraphs 323 – 331	Providers applying in the Approved (fee cap) category and intending to charge basic fees Providers applying in the Approved category
Quality and standards conditions		
Condition B3	Amendments to the OfS regulatory framework, ³⁸	The initial condition will apply to your provider if, in our judgement, data showing your provider’s performance against at least one indicator or split indicator, exists, and that data relates to at least one of the preceding five years
Condition B7	Amendments to the OfS regulatory framework, paragraphs 84 – 97 ³⁹	Any provider that makes an application for registration on or after 1 May 2022

³⁶ The OfS regulatory framework is published at www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/.

³⁷ For providers that will not teach students on courses subject to the regulated undergraduate tuition fee regime, conditions A1 and A2 will not apply. If your provider is successfully registered and decides in future to offer such ‘qualifying courses’ to ‘qualifying students’, you would need to notify the OfS. You can find more information about courses that are subject to statutory fee limits at www.practitioners.slc.co.uk/products/full-time-undergraduate-education/full-time-tuition-fee-loan/eligibility/.

³⁸ See www.officeforstudents.org.uk/media/0dc38475-3730-4173-88e7-42989be88262/revised-condition-b3-student-outcomes.pdf.

³⁹ See www.officeforstudents.org.uk/media/084f719f-5344-4717-a71b-a7ea00b9f53f/quality-and-standards-conditions.pdf.

Condition B8	Amendments to the OfS regulatory framework, <u>paragraphs 98 – 111</u> ⁴⁰	Any provider that makes an application for registration on or after 1 May 2022
Guidance on consumer protection law condition		
Condition C1	OfS regulatory framework, <u>paragraphs 364 – 374</u>	All providers
Student protection plan condition		
Condition C3	OfS regulatory framework, <u>paragraphs 381 – 396</u>	All providers
Financial viability and sustainability condition		
Condition D	OfS regulatory framework, <u>paragraphs 397 – 423</u>	All providers
Management and governance conditions		
Condition E1	OfS regulatory framework, <u>paragraphs 424 – 434</u> See also the OfS regulatory framework ' <u>Annex B: Public interest governance principles</u> '	All providers
Condition E2	OfS regulatory framework, <u>paragraphs 435 - 451</u> See also the OfS regulatory framework ' <u>Annex B: Public interest governance principles</u> '	All providers

⁴⁰ See www.officeforstudents.org.uk/media/084f719f-5344-4717-a71b-a7ea00b9f53f/quality-and-standards-conditions.pdf.

Annex C: Information you should submit

1. Your application must allow us to make an assessment against the initial conditions of registration and make a robust decision about registration. We have written this guidance to help you submit the information needed to enable our assessment.
2. **Your application for registration should:**
 - a. **Contain all the information set out in Tables 1 and 2 below.**
 - b. **Not contain any of the common errors and issues that prevent us completing our assessment, as listed in paragraph 3.**
3. The information you submit should, in our judgement:
 - a. Be sufficiently comprehensive to provide a meaningful basis for an assessment (for example, it is not sufficient to submit a student protection plan that contains only three out of the four mandatory elements set out in this guidance).
 - b. Not contain significant errors (for example, we will not accept financial tables that have unresolved errors or validation warnings). If you experience difficulties with the portal or you are unsure why error messages are occurring, you should contact us for support with this **before** you submit your application – please contact us by email at regulation@officeforstudents.org.uk or by phone on 0117 931 7305.
 - c. Not contain information that is factually inaccurate, false or misleading (for example, statements that indicate a validation arrangement is in place if a contract has not yet been signed). In submitting your application, you are confirming that all the information included in the application is accurate and being submitted on behalf of your governing body. We may use other sources of publicly available information to check the accuracy of your submission.
 - d. Not contain information that is contradictory or contains discrepancies unless there is a clear and reasonable explanation why this is the case. This includes:
 - i. Information in one document you submit that contradicts anything in another document you submit.
 - ii. Information that contradicts anything you publish on your website.
 - iii. Information that contradicts any other information that is otherwise publicly available.
 - e. Not contain information that is plagiarised from other sources, for example using another provider's documentation and stating that it is your own.
4. If you do not submit an application that contains sufficient information for us to assess it against the initial conditions of registration, we will not be able to progress it. In these circumstances we will offer you a further opportunity to submit all the information we need and will normally allow up to three months for you to do so. If you do not submit the information we need in this timeframe, we will not be able to take your application any further.

5. When we have the information we need, we will begin our assessment. If, at any point in the assessment process, we identify that further information is needed, we will not be able to make further progress until it is provided. We will allow reasonable time for you to resolve the issues we have identified to our satisfaction. We will take the following approach during the assessment process:
 - a. If you respond to our questions or requests but cannot supply the information we have requested within a reasonable deadline (normally up to three months), we will not be able to take your application any further. If you need more time to submit information, you may withdraw your application and reapply later (see Section 9: Suspending or withdrawing from the application process).
 - b. If you do not respond to our questions or requests for further information by the deadlines we set, we will not be able to take your application any further.

Table 1 – information to include in your application form (including supplementary evidence)

Information	Notes
Application form	<p>You should refer to the separate document, ‘Information and instructions on how to submit your application for registration’ (Part 1: how to complete an application form’).⁴¹</p> <p>Each tab of the form should be completed <u>in full</u> with no missing information.</p> <p>There should be no red validation warnings. If you experience difficulties with the portal or are unsure why validation messages are occurring, you should contact us for support with this before you submit your application.</p>
Information checks	<p>We will check that the legal name you provide matches that listed with:</p> <ul style="list-style-type: none"> • UK Register of Learning Provider (UKRLP)⁴² • Companies House (if applicable)⁴³ • Charity Commission (if applicable).⁴⁴
Supplementary evidence	<p>If you state that you have permission to use the word ‘university’ or ‘university college’ in your business name under the provisions of the Companies Act, you will need to submit a letter of non-objection from the Department for Education (this also applies if you use the word ‘university’ in your trading name). Please refer to the guidance published at www.gov.uk/government/publications/use-of-university-in-business-and-company-names.</p>

⁴¹ See www.officeforstudents.org.uk/publications/regulatory-advice-3-registration-of-english-higher-education-providers-with-the-ofs/.

⁴² See www.ukrlp.co.uk/.

⁴³ See find-and-update.company-information.service.gov.uk/.

⁴⁴ See register-of-charities.charitycommission.gov.uk/charity-search.

Table 2 – information you should submit in relation to each condition of registration

All information should be submitted via the OfS portal. This is to ensure your application is submitted securely and in a format that will enable us to assess it and use it for regulatory purposes. You should refer to the separate document, 'Information and instructions on how to submit your application for registration' (Part 2: how do I submit my application?). This sets out which sections of the portal you should use to submit each document. You should also refer to the 'OfS registration checklist for providers'

Condition of registration	Which providers this applies to	Document	Explanatory notes
A1	Providers applying in the Approved (fee cap) category and intending to charge higher fees	Access and participation plan	Complete and submit an access and participation plan. Please see the guidance published here for further information about the requirements: www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/
		Fee information document	Complete and upload the template which is available from the OfS portal.
		Targets and investment plan	Complete and upload the template which is available from the OfS portal.
A2	Providers applying in the Approved (fee cap) category and intending to charge basic fees AND Providers applying in the Approved category For providers that will not teach students on courses subject to the regulated undergraduate	Access and participation statement	Publish your statement on your website before you submit your application to us. Provide a link to your published statement. Please include this link within a header or footer in the statement itself and ensure that the link is active before uploading the document to the portal.

<p>tuition fee regime there is no submission requirement for either condition A1 or A2.</p>			
B7	All providers applying on or after 1 May 2022	A quality plan	Ensure this contains all the information set out in Annex H.
		Supporting evidence	Submit all supporting evidence referred to in your quality plan.
		An itemised list of each piece of supporting evidence submitted	List all the supporting evidence you are submitting in relation to your quality plan.
C1	All providers	Self-assessment on guidance on consumer protection law	<p>Ensure this contains all the information set out in Annex D, including:</p> <ul style="list-style-type: none"> • your overall approach to ensuring compliance with consumer protection law • your approach to providing information to applicants and students • information about your contract terms and conditions • Information about your complaint handling processes and practices.
		Your student contract(s)	<p>Ensure this includes all contracts you use, or plan to use, in relation to the provision of academic services to students. You do not need to submit other contracts into which a student may enter as part of the higher education experience.</p> <p>We will check the contracts you submit against the contracts you have published on your website.</p> <p>If the contracts you submit to us differ from information published on your website, you should submit an additional document to us to explain the discrepancies (for example, if you have drafted new contract terms that have not yet been formally adopted – in these circumstances you should set out your approach and timeline for adoption).</p>

			If we find unexplained discrepancies, we will not be able to progress our assessment.
C3	All providers	Student protection plan	Ensure this contains all elements set out in Section 4 / Annex E, including: <ul style="list-style-type: none"> • assessment of the range of risks to continuation of study • measures to mitigate risks • information about refunds and compensation • communication with students.
		Any policy you have which relates to refund and compensation	We will check the information you submit against information you have published on your website. If the information you submit to us with your application differs from information published on your website, you should submit an additional document to us to explain the discrepancies (for example, if you have drafted a policy that has not yet been formally adopted – in these circumstances you should set out your approach and timeline for adoption). If we find unexplained discrepancies, we will not be able to progress our assessment.
D ⁴⁵	All providers	Financial and student number tables	Ensure this is completed in full with no missing information. Ensure there are no validation checks marked as ‘validation failed’ in the validation tab. Ensure there are no validation warnings that have not been explained in the ‘validation’ tab. If you experience difficulties with the portal or are unsure why validation messages are occurring, you should contact us for support with this before you submit your application.
	All providers	Commentary to accompany the financial and student number tables	Ensure this contains all the required information, as set out in our separate guidance, ‘Guidance for providers about the financial information required

⁴⁵ Please note that further education colleges and sixth form colleges regulated by the Education and Skills Funding Agency (ESFA) are not required to submit any financial information. We will seek information from the ESFA, to assess compliance with condition D. ‘All providers’ should therefore be read as ‘all providers except further education colleges and sixth form colleges regulated by the ESFA’ in relation to condition D.

			for registration'. This is published at: www.officeforstudents.org.uk/publications/regulatory-advice-3-registration-of-english-higher-education-providers-with-the-ofs/
	Providers that have been in operation and providing higher education for more than three years	Full audited financial statements for the three most recent years	Ensure these contain all the required information, as set out in our separate guidance, 'Guidance for providers about the financial information required for registration'. This is published at: www.officeforstudents.org.uk/publications/regulatory-advice-3-registration-of-english-higher-education-providers-with-the-ofs/
	Providers that have been in operation and providing higher education for fewer than three years	Full audited financial statements for as many of the last three years as you have been providing higher education	Ensure these contain all the required information, as set out in our separate guidance, 'Guidance for providers about the financial information required for registration'. This is published at: www.officeforstudents.org.uk/publications/regulatory-advice-3-registration-of-english-higher-education-providers-with-the-ofs/
		Business plan (and information about financial backing where relevant)	Ensure this contains all the required information, as set out in our separate guidance, 'Guidance for providers about the financial information required for registration'. This is published at: www.officeforstudents.org.uk/publications/regulatory-advice-3-registration-of-english-higher-education-providers-with-the-ofs/
	Providers that have not provided higher education in the last three years	Business plan (and information about financial backing where relevant)	Ensure this contains all the required information, as set out in our separate guidance, 'Guidance for providers about the financial information required for registration'. This is published at: www.officeforstudents.org.uk/publications/regulatory-advice-3-registration-of-english-higher-education-providers-with-the-ofs/
E1 and E2	All providers	Self-assessment on management and governance arrangements	Ensure this contains all the information set out in Annex F or G, including: Information about your management and governance arrangements and how these are appropriate for your size and complexity. This should include: <ul style="list-style-type: none"> • details of control (including geographical location of control) and ownership of your organisation • details of any group structure

- geographical spread of locations you operate at, including whether any of these are overseas
- size of your organisation in terms of numbers of staff, students, turnover, total net assets (or, if your provider is a further education college or a sixth form college, the size of your higher education provision in terms of numbers of staff, students, income and in relation to your further education provision)
- number and type of partnerships.

A self-assessment of your management and governance arrangements.

An explanation of where (in which of your governing documents) and how each of the public interest governance principles is upheld.

Governing documents and any other supporting evidence you refer to in your self-assessment

Submit a copy of any governing document to which you refer in your self-assessment.

Submit **all** other supporting evidence to which you refer in your self-assessment.

We will check the documents you submit against information you have published on your website.

If the documents you submit to us differ from information on your website, you should submit an additional document to us to explain the discrepancies (for example, if you have drafted new governing documents that have not yet been formally adopted – in this circumstance you should set out your approach and timeline for adoption).

If we find unexplained discrepancies, we will not be able to progress our assessment.

An itemised list of each piece of supporting evidence submitted in relation to condition E1 and E2

Ensure this lists **all** the supporting evidence you are submitting in relation to management and governance.

Annex D: Template for producing a self-assessment on guidance on consumer protection law

Provider's name:

Provider's UKPRN:

Your overall approach to ensuring compliance with consumer protection law

Explain here your approach to complying with consumer protection law and the mechanisms you use to monitor and ensure compliance with consumer protection law. Below are some headings and examples which might be useful, but this is not, and is not intended to be, exhaustive or prescriptive.

For example:

'We are compliant/partially compliant/not yet compliant with consumer protection law.'

'We think this because...'

'The evidence that demonstrates this is...'

'We have a member of staff who is responsible for consumer protection law issues'

'We take legal advice when developing new contracts and when we change terms and conditions'

'Consumer protection law issues are discussed at...'

'There is an annual review...'

'To ensure that we will be fully compliant, we will... and we will have done this by...'

In this section, you might want to refer to the following as evidence that supports the view you have formed in your self-assessment. There is no need to submit any of this additional evidence but we may ask to see it if we have concerns that you do not satisfy the condition:

- information on organisational and staffing arrangements, for example, whether there is a department and/or designated staff member responsible for consumer law issues*
- information on working groups or committees established to tackle issues relating to consumer law such as information management and provision, complaints handling and the setting of terms and conditions and/or contracts*
- information about staff training on your consumer law obligations*
- details of reviews (planned or actual) into information management and provision, complaint handling and the setting of terms and conditions and/or contracts*
- evidence that professional legal advice has been sought*
- use of model contracts, terms and conditions*
- policies relating to sources of information for staff and students, with examples of how this is provided*

- *policies and procedures relating to consumer law obligations, such as information management and provision, complaints handling and setting terms and conditions and/or contracts.*

Your approach to providing information to applicants and students: research and application stage, offer stage and enrolment stage

Explain here how you ensure that applicants and students are provided with accurate information about their course, fees and other relevant costs and about your institution, and that such information is accurate, clear, timely and accessible.

For example:

'We publish a prospectus containing information on x, y, z'

'We also provide the following information...'

'We ensure this is accurate and clear by...'

'We know when information is not accurate or clear because... and we take these steps to improve it.'

In this section, evidence you might want to refer to includes:

- *links to website or other prospectus course descriptions*
- *information about the structure of the courses you offer and the relevant fees/costs;*
- *letters supporting offers to applicants*
- *details of reviews (planned or actual) into information management and provision*
- *policies relating to sources of information for staff and students, with examples of how this is provided*
- *policies and procedures relating to consumer law obligations, such as information management and provision.*

Your contract terms and conditions

Explain here the contracts you use to govern relationships with students and how you ensure that these are fair and have transparent terms and conditions. For example:

'We have the following contracts...'

'Our terms and conditions, including rules and regulations, are made available to students through a, b, c and our website and intranet [link]'

'We ensure that terms and conditions and regulations are clear and understandable to students by...'

'We take the following actions/steps to ensure the terms are fair...'

'We use model contracts for the following services...'

Your complaint handling processes and practices

Explain here how you ensure that ensure that complaint handling practices are clear, accessible and fair. For example:

'We have a complaints process which students are made aware of through the following mechanisms a, b, c and is available on our website and intranet [link].'

'Where students are studying at a partner organisation we...'

'The Office of the Independent Adjudicator's good practice framework is used to...'

'We have the following evidence that our complaints process is clear, accessible and fair...'

'We ensure that staff know and are competent at following the process because...'

Annex E: Template for a student protection plan

Provider's name:

Provider's UKPRN:

Legal address:

Contact point for enquiries about this student protection plan:

Student protection plan

1. An assessment of the range of risks to the continuation of study for your students, how those risks may differ based on your students' needs, characteristics and circumstances, and the likelihood that those risks will crystallise

Please provide an evidenced statement of your assessment of the range and level of risks to the continuation of study for your students. For example:

'The risk that the provider as a whole is unable to operate is very low because our financial performance is x, y and z and we have business continuity plans to deal with a, b and c.'

'The risk that we will no longer deliver courses at our Eastwood campus in the next three years is significant because we are considering the closure of this site. This poses a particular risk to students with caring responsibilities, as the Eastwood campus is our only one which has an on-site crèche.'

'The risk that we are no longer able to deliver programmes in highly specialised areas in the next three years is moderate because x, y and z. These programmes have a high proportion of students in receipt of bursaries.'

'The risk that we are no longer able to deliver material components of our courses is low because we design our modules to be taught by integrated teams of academic staff. For our postgraduate courses in Modern Nordic this risk is moderate because we are dependent on particular members of academic staff to deliver core teaching.'

2. The measures that you have put in place to mitigate those risks that you consider to be reasonably likely to crystallise

Please provide an evidenced statement of the measures you have put in place to preserve continuation of study for your students in those areas where you consider the risk to be increased. For example:

'If we are unable to deliver courses at our Eastwood campus in the next three years we will put in place x, y and z.'

'If we are unable to deliver courses in specialised programmes in the next three years we will put in place x, y and z.'

'If we are no longer able to deliver material components of our postgraduate courses in Modern Nordic we will put in place x, y and z.'

3. Information about the policy you have in place to refund tuition fees and other relevant costs to your students and to provide compensation where necessary in the event that you are no longer able to preserve continuation of study

Please link to or provide a copy of your refund and compensation policy and ensure that it makes provision for:

- *refunds for students in receipt of tuitions fee loan from the Student Loans Company*
- *refunds for students who pay their own tuition fees*
- *refunds for students whose tuition fees are paid by a sponsor*
- *the payment of additional travel costs for students affected by a change in the location of their course*
- *commitments to honour student bursaries*
- *compensation for maintenance costs and lost time where it is not possible to preserve continuation of study*
- *compensation for tuition and maintenance costs where students have to transfer courses or provider.*

Please provide an evidenced statement of how you will ensure that you can deliver the financial implications of your refund and compensation policy. For example:

'We have cash reserves of x which would be sufficient to provide refunds and compensation for those y students for whom we have identified an increased risk of non-continuation of study.'

'We will put in place insurance arrangements of x to provide refunds and compensation for those y students for whom we have identified an increased risk of non-continuation of study. We will ensure that this is in place by 1 August 2019.'

4. Information about how you will communicate with students about your student protection plan

Please provide a statement about how you will communicate the provisions in your student protection plan to current and future students. For example:

'We will publicise our student protection plan to current and future students by...'

'We will ensure that staff are aware of the implications of our student protection plan when they propose course changes by...'

Please provide a statement about how you will work with your current students in the development of your student protection plan. For example:

'We will review our student protection plan by...'

'Our students will be involved in our review by...'

Please provide a statement about the arrangements you will put in place to communicate with affected students should your student protection plan need to be implemented. For example:

'We will inform our students if there are to be material changes to their course by...'

'We will give students x days' notice when we need to make material changes to their course...'

'If we need to implement the measures in our student protection plan we will do x, y and z to support students collectively and individually.'

'We will put in place a, b and c arrangements to ensure that our students have access to independent advice if we need to implement the measures in our student protection plan.'

Annex F: Template for producing a self-assessment on management and governance arrangements

Provider's name:

Provider's UKPRN:

Your management and governance arrangements

Briefly describe here your management and governance arrangements and how these are appropriate for your size and complexity as an English higher education provider.

This should include a description of your legal form and governance structure and how you oversee partnership arrangements where you are the lead provider.

In this section, you should describe the following:

- *details of control (including geographical location of control) and ownership of your organisation*
- *details of any group structure*
- *geographical spread of locations you operate at, including whether any of these are overseas*
- *size of your organisation in terms of numbers of staff, students, turnover, total net assets*
- *number and type of partnerships.*

For example:

'We are a medium sized provider with £xx turnover, xx students, xx staff. We are incorporated in England and are a wholly owned subsidiary of [name] a company also incorporated and based in England.'

'We have three subsidiary companies a, b, c, all based in England.'

'Our group structure looks like this [structure chart].'

'We have the following governing documents...'

'These set out that...'

'The body with ultimate decision making powers is...'

'It delegates responsibility for a, b, c to x, y, z'

'These arrangements are appropriate for the size and complexity of our organisation because...'

In this section, you should make reference to the following where they are applicable:

- *governing documents*
- *committee structures*
- *delegation arrangements*

- validation and franchise agreements where you are the lead provider
- governance arrangements for any satellite/overseas campuses.

As part of your registration application, you should submit to the OfS any document you refer to in this self-assessment. You may also wish to submit additional supporting evidence (for example, governance structure charts), where this will help us to better understand your management and governance arrangements.

Self-assessment of your management and governance arrangements

Explain here how your management and governance arrangements are adequate and effective. An arrangement is ‘adequate’ if it can deliver a stated or implied objective and ‘effective’ if it is delivering its stated or implied objective.

If you follow a code of governance, you can also use this as evidence by describing:

- *the name, date and version of any governance code you follow*
- *how long you have used the code, how you monitor use of the code in your governance arrangements and how you review the effectiveness of arrangements*
- *outcomes of the most recent effectiveness review of your governing body and any of its committees (where appropriate).*

For example:

‘We follow the [name of code] published [date]

‘We have used this code for x years and conduct a review of compliance every [review period]. Reviews are conducted by y and the results implemented by z.’

‘This code is appropriate because...’

‘We do not meet the following elements of the code... because... but have the following alternative arrangements which we believe are appropriate because...’

‘The most recent review showed...’

Or:

‘We don’t use a code of governance because...’

‘We believe our management and governance arrangements are adequate because...’

‘We believe they are effective because...’

Public interest governance principles

Explain here how your governing documents uphold the public interest governance principles relevant to your application (see list of principles below).

If you refer to a code of governance that you have formally adopted, please set out clearly how the relevant elements of the code you have adopted are relevant to each applicable public interest governance principle.

Where your chosen code of governance does not meet all the relevant public interest governance principles, you will need to set out where in your governing documents the remaining principles are upheld.

You should also submit evidence that the governance code (or elements of that code) has been formally adopted by your governing body.

Where any of the principles are not yet upheld in your governing documents, you should state the actions you will take to rectify this and when these actions will be completed. The OfS must be satisfied that your governing documents uphold the public interest governance principles that are applicable to you to make a decision to register your provider.

Standard public interest governance principles: applicable to all providers

<p>Academic freedom: Academic staff at an English higher education provider have freedom within the law:</p> <ul style="list-style-type: none"> • to question and test received wisdom • to put forward new ideas and controversial or unpopular opinions • without placing themselves in jeopardy of losing their jobs or privileges they may have at the provider. 	<p><i>For example:</i></p> <p><i>‘This is covered by our compliance with our chosen governance code which sets out...’</i></p> <p><i>Or:</i></p> <p><i>‘Academic freedom is set out in xx document which states...’</i></p> <p><i>Or:</i></p> <p><i>‘Academic freedom is not yet covered in our governing documents. To amend this we will... by [date].’</i></p>
<p>Accountability: The provider operates openly, honestly, accountably and with integrity and demonstrates the values appropriate to be recognised as an English higher education provider.</p>	<p><i>For example:</i></p> <p><i>‘This is covered by our compliance with our chosen governance code which sets out...’</i></p> <p><i>Or:</i></p> <p><i>‘Accountability is set out in xx document which states...’</i></p> <p><i>Or:</i></p> <p><i>‘Accountability is not yet covered in our governing documents. To address this we will... by [date].’</i></p>
<p>Student engagement: The governing body ensures that all students have</p>	

opportunities to engage with the governance of the provider, and that this allows for a range of perspectives to have influence.	
Academic governance: The governing body receives and tests assurance that academic governance is adequate and effective through explicit protocols with the senate/academic board (or equivalent).	
Risk management: The provider operates comprehensive corporate risk management and control arrangements (including for academic risk) to ensure the sustainability of the provider's operations, and its ability to continue to comply with all its conditions of registration.	
Value for money: The governing body ensures that there are adequate and effective arrangements in place to provide transparency about value for money for students and (where a provider has access to the student support system or to grant funding) for taxpayers.	
Freedom of speech: The governing body takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.	
Governing body: The size, composition, diversity, skills mix, and terms of office of the governing body is appropriate for the nature, scale and complexity of the provider.	
Fit and proper: Members of the governing body, those with senior management responsibilities, and individuals exercising control or significant influence over the provider, are fit and proper persons.	
Additional public interest governance principle: providers authorised with degree awarding powers	
Records: Where degree awarding powers are solely contained in the	

<p>provider's governing documents, and no order either under section 76 of the Further and Higher Education Act 1992, or under the Higher Education and Research Act 2017 exists, the provisions setting out those powers must be retained and may not be altered without the consent of the Office for Students.</p>	
<p>Additional public interest governance principles: providers in receipt of financial support</p>	
<p>Independent members of the governing body: There must be at least one external member of the governing body who is independent of the provider, and whose term of office is normally limited to a maximum of three terms of three years or two terms of four years. For providers with large governing bodies, or more complex legal forms, additional independent members may be appropriate.</p>	
<p>Regularity, propriety and value for money: The governing body ensures that there are adequate and effective arrangements in place to ensure public funds are managed appropriately, in line with the conditions of grant and the principles of regularity, propriety and value for money, and to protect the interests of taxpayers and other stakeholders. This also applies to any funds passed to another entity for the provision of facilities or learning and teaching, or for research to be undertaken.</p>	

Annex G: Template for producing a self-assessment on management and governance arrangements if your provider is a further education college or sixth form college

Provider's name:

Provider's UKPRN:

Your management and governance arrangements

Briefly describe here your management and governance arrangements for your higher education provision.

This should include a description of your management and governance structure for higher education and how you oversee partnership arrangements where you are the lead provider.

In this section, you should describe the following:

- *details of any group structure*
- *geographical spread of locations you operate at, including whether any of these are overseas*
- *size of your higher education provision in terms of numbers of staff, students, income and in relation to your further education provision*
- *number and type of partnerships.*

For example:

'We are a medium sized further education provider providing higher education to a small proportion of our students. Our higher education activity makes up x% of our provision with £xx in income, xx students, xx staff.'

'Our group structure looks like this [structure chart].'

'We have the following governing documents covering higher education activity...'

'These set out that.....'

'The body with ultimate decision making powers for our higher education activity is...'

'It delegates responsibility for a, b, c to x, y, z'

'These arrangements are appropriate for the size and complexity of our higher education activity because...'

In this section, you should refer to the following where they are applicable:

- *governing documents*
- *committee structures*
- *delegation arrangements*

- validation and subcontractual agreements where you are the lead provider
- governance arrangements for any satellite campuses.

As part of your registration application, you should submit to the OfS any document you refer to in this self-assessment. You may also wish to submit additional supporting evidence (for example, governance structure charts), where this will help us to better understand your management and governance arrangements.

Self-assessment of your management and governance arrangements

Explain here how your management and governance arrangements for your higher education provision are adequate and effective. An arrangement is 'adequate' if it can deliver a stated or implied objective and 'effective' if it is delivering its stated or implied objective.

If you follow a code of governance, you can also use this as evidence by describing:

- the name, date and version of any governance code you follow
- how long you have used the code, how you monitor use of the code in your governance arrangements and how you review the effectiveness of arrangements
- outcomes of the most effectiveness review of the governing body and any subcommittees (where appropriate).

For example:

'We follow the [name of code] published [date].'

'We have used this code for x years and conduct a review of compliance every [review period]. Reviews are conducted by y and the results implemented by z.'

'This code is appropriate for our higher education activity because...'

'We do not meet the following elements of the code...because...but have the following alternative arrangements which we believe are appropriate because...'

'The most recent review showed...'

Or:

'We don't use a code of governance because...'

'We believe our management and governance arrangements for our higher education activity are adequate because...'

'We believe they are effective because...'

Public interest governance principles

Explain here how your governing documents uphold the public interest governance principles relevant to your application (see list of principles below).

If you refer to a code of governance that you have formally adopted, please set out clearly how the relevant elements of the code you have adopted are relevant to each applicable public interest governance principle.

Where your chosen code of governance does not meet all the relevant public interest governance principles, you will need to set out where in your governing documents the remaining principles are upheld.

You should also submit evidence that the governance code (or elements of that code) has been formally adopted by your governing body.

Where any of the principles are not yet upheld in your governing documents, you should state the actions you will take to rectify this and when these actions will be completed. The OfS must be satisfied that your governing documents uphold the public interest governance principles that are applicable to you to make a decision to register your provider.

Standard public interest governance principles: applicable to all providers

<p>Academic Freedom: Academic staff at an English higher education provider have freedom within the law:</p> <p>(a) to question and test received wisdom; and</p> <p>(b) to put forward new ideas and controversial or unpopular opinions;</p> <p>without placing themselves in jeopardy of losing their jobs or privileges they may have at the provider.</p>	<p><i>For example:</i></p> <p><i>'This is covered by our compliance with our chosen governance code which sets out...'</i></p> <p><i>Or</i></p> <p><i>'Academic freedom is set out in xx document which states...'</i></p> <p><i>Or</i></p> <p><i>'Academic freedom is not yet covered in our governing documents. To amend this we will... by [date]'</i></p>
<p>Accountability: The provider operates openly, honestly, accountably and with integrity and demonstrates the values appropriate to be recognised as an English higher education provider.</p>	<p><i>For example:</i></p> <p><i>'This is covered by our compliance with our chosen governance code which sets out...'</i></p> <p><i>Or</i></p> <p><i>'Accountability is set out in xx document which states...'</i></p> <p><i>Or</i></p> <p><i>'Accountability is not yet covered in our governing documents. To address this we will... by [date]'</i></p>
<p>Academic governance: The governing body receives and tests</p>	

assurance that academic governance is adequate and effective through explicit protocols with the Senate/Academic Board (or equivalent).	
Risk management: The provider operates comprehensive corporate risk management and control arrangements (including for academic risk) to ensure the sustainability of the provider's operations, and its ability to continue to comply with all its conditions of registration.	
Value for money: The governing body ensures that there are adequate and effective arrangements in place to provide transparency about value for money for students and (where a provider has access to the student support system or to grant funding) for taxpayers.	
Freedom of speech: The governing body takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.	
Governing body: The size, composition, diversity, skills mix, and terms of office of the governing body is appropriate for the nature, scale and complexity of the provider.	
Fit and proper: Members of the Governing Body, those with senior management responsibilities, and individuals exercising control or significant influence over the provider, are fit and proper persons.	
Additional public interest governance principle: providers authorised with degree awarding powers	
Records: Where degree awarding powers are solely contained in the provider's governing documents, and no order either under section 76 of the Further and Higher Education Act 1992, or under HERA exists, the provisions setting out those powers	

<p>must be retained and may not be altered without the consent of the OfS</p>	
<p>Additional public interest governance principles: providers in receipt of financial support</p>	
<p>Independent members of the governing body: There must be at least one external member of the governing body who is independent of the provider, and whose term of office is normally limited to a maximum of three terms of three years or two terms of four years. For providers with large governing bodies, or more complex legal forms, additional independent members may be appropriate.</p>	
<p>Regularity, propriety and value for money: The governing body ensures that there are adequate and effective arrangements in place to ensure public funds are managed appropriately, in line with the conditions of grant and the principles of regularity, propriety and value for money, and to protect the interests of taxpayers and other stakeholders. This also applies to any funds passed to another entity for the provision of facilities or learning and teaching, or for research to be undertaken.</p>	

Annex H: Your quality plan and supporting evidence for condition B7

Initial condition B7 (quality)

1. Condition B7 sets out requirements for quality that a provider must satisfy to be registered. We recognise that a provider seeking registration may not have a track record of delivering higher education. Our requirements are therefore designed to test the credibility of a provider's plans to meet our quality requirements on an ongoing basis if it is registered, and the extent to which it has the capacity and resources to deliver those plans in practice.
2. The full requirements of condition B7 can be found here:
www.officeforstudents.org.uk/media/084f719f-5344-4717-a71b-a7ea00b9f53f/quality-and-standards-conditions.pdf.
3. Your quality plan must show that you will be compliant with the ongoing quality conditions B1, B2 and B4 that will apply from the date of your registration.⁴⁶ It is therefore important that you make sure you understand the requirements imposed through those ongoing conditions before you write your quality plan.

Submission requirements

4. To allow us to assess whether you satisfy condition B7, you should submit your quality plan and an itemised list of each piece of supporting evidence referred to in it. This is explained in detail in the table below. This is so that we can check that we have received all the documents you would like us to consider in our assessment.

What should your quality plan cover?

5. Your quality plan needs to show that you will be compliant with ongoing conditions B1, B2 and B4 from the date you are registered. It should therefore address how you will ensure compliance with each of the requirements in conditions B1, B2 and B4. It should evidence that your provider has the capacity and resources necessary to deliver your quality plan in practice. We are also likely to draw on evidence you submit in relation to the other conditions of registration to make a judgement about whether your provider has the necessary capacity and resources. For example, evidence submitted in relation to financial viability and sustainability, or management and governance arrangements, are likely to be relevant.
6. The OfS's regulatory approach is principles-based and the table below is intended as a guide to support you in developing your quality plan, rather than a checklist. Providers may satisfy our conditions in a variety of ways, and you are free to set out your approach and how this satisfies the condition in a way that best reflects your individual situation.
7. Your quality plan should map against each of the requirements in conditions B1, B2, and B4 and explain either your plans and processes for achieving compliance with each requirement, or the evidence that is already available (in draft or final form) which demonstrates compliance now. Your quality plan should explicitly reference the supporting evidence you are submitting as part of your application, so we are clear about which documents are relevant to each of the points in your

⁴⁶ See www.officeforstudents.org.uk/advice-and-guidance/quality-and-standards/how-we-regulate-quality-and-standards/.

quality plan. Your quality plan should set out specific milestones and dates for key aspects of the development and delivery of the courses you plan to provide if you are registered so that as further evidence becomes available in the future, we could test this if appropriate.

8. The template below refers throughout to 'explain in detail'. It is very important that your quality plan contains sufficient detail for us to make a judgement about whether you satisfy condition B7. Conditions B1, B2 and B4 are expressed as outcomes a provider must deliver for students, for example that its courses are effectively delivered, students receive sufficient resources and support, and are reliably assessed. The purpose of condition B7 is to allow any provider to set out its plans for delivering higher education that meets the outcomes set out in conditions B1, B2 and B4. This includes a provider that is not yet delivering higher education and so cannot show these outcomes when it seeks registration. However, we would not expect a provider to seek registration without a significant amount of planning. This means we expect you to submit detailed evidence to support your plans for delivery where this is available and relevant.
9. We are, for example, likely to conclude that you have not given sufficient detail if your quality plan simply states 'we will ensure courses are up-to-date by running a course approval process' but does not provide further explanation or evidence of what the course approval process will involve and who will be involved in reaching judgements about courses. A quality plan that is not supported with any evidence, or supported only with limited evidence, will need to go further in describing how you will ensure compliance with the ongoing conditions. To be credible, your quality plan must show that you understand conditions B1, B2 and B4 by setting out, with supporting evidence, how you will meet these conditions if your provider is registered.
10. If your quality plan and supporting evidence contain insufficient detail, we will not be able to progress your application. In these circumstances we will inform you of the further information we require to assess your application and will normally offer you up to three months to submit this. If you do not submit the information we request within this timeframe, we will not take your application any further.

Courses delivered through a partnership arrangement

11. Your quality plan should clearly set out your current or planned relationship with any awarding organisation, validating partner or other provider with which you will be working in relation to the courses you plan to offer if your provider is registered. Your quality plan should also state clearly whether relevant partnership arrangements have already been formally agreed or, if not, the steps and timeline necessary for agreement to be reached. During the assessment process we may independently check your provider's partnership arrangements based on the information included in your application.
12. The ongoing conditions of registration apply to all registered providers. All of a provider's higher education courses, and the students on those courses, are within the scope of the conditions, irrespective of where or how courses are delivered or who delivers them. This includes:
 - a. Any higher education course⁴⁷ (whether that course is recognised for OfS funding purposes or not), at any level, and with any volume of learning. This means, for example, that

⁴⁷ Section 83 of HERA 2017 defines a 'higher education course' to mean a course of any description mentioned in Schedule 6 of the Higher Education Reform Act 1988.

postgraduate research courses, further education courses which also meet this definition of higher education, the study of modules at any level, and apprenticeships are included within the scope of the conditions.

- b. Higher education provided to all of the students who are registered with a registered provider, taught by a registered provider or studying for an award of a registered provider. For example, the conditions apply to a provider that teaches students who are registered and awarded by another provider. This includes UK-based and non-UK-based students, and courses delivered through partnership arrangements both within the UK and internationally.

- 13. Where a provider works in partnership with another provider, all OfS-registered providers involved in a partnership are responsible for meeting all ongoing conditions. A provider applying for registration needs to explain in its quality plan how it discharges this responsibility when working in a partnership arrangement.

Visiting your provider

- 14. Once we have conducted an initial assessment of your quality plan and supporting evidence, we will decide whether it is necessary to undertake an assessment visit to your provider to gather and test the evidence relevant to your compliance with initial condition B7. This will include the form that visit should take, and whether it should be undertaken by assessors able to provide expert academic judgement. A visit may include interviews with relevant staff and students. We would be more likely to decide that a visit is not necessary if, with reference to the circumstances of your individual case, the evidence needed to make the relevant regulatory decisions can be easily obtained without a visit.

Table of information and evidence needed to assess Condition B7

Requirement of condition B7: does the provider have credible plans that would enable the provider, if registered, to comply with conditions B1, B2 and B4 from the date of registration?

Condition B1: Academic experience		
B1.3	Description of what the quality plan should contain	Supporting evidence which demonstrates how each element of the condition will be satisfied, which might include but is not limited to ⁴⁸
a. Each higher education course is up-to-date ⁴⁹	Explain in detail how you will ensure the higher education courses you plan to provide are up-to-date as defined in Condition B1.5g.	<p>Draft or final course documents, for example, programme specifications, that demonstrate courses are up-to-date.</p> <p>A representative sample of draft or final module documents, for example module specifications, that allow an assessment of whether a course is up-to-date.</p> <p>OR</p> <p>Explain the process for course approval you intend to operate, including who would be involved and their experience in developing and delivering higher education courses.</p> <p>Include dates for achieving milestones and state when additional evidence will become available in relation to the courses you plan to provide if your provider is registered.</p>
b. Each higher education course provides educational challenge ⁵⁰	Explain in detail how you will ensure the higher education courses you plan to provide will provide educational challenge as defined in Condition B1.5c.	<p>Draft or final course documents, for example, programme specifications, that demonstrate courses will provide educational challenge.</p> <p>A representative sample of draft or final module documents, for example module specifications, that allow an assessment</p>

⁴⁸ The OfS may ask for further information (not limited to the items listed in the table) from a provider where it considers that the provision of that information would facilitate its assessment of the provider's compliance with condition B7.

⁴⁹ 'up-to-date' means representative of current thinking and practices in the subject matter to which the higher education course relates, including being appropriately informed by recent: i. subject matter developments; ii. research, industrial and professional developments; and iii. developments in teaching and learning, including learning resources.

⁵⁰ 'educational challenge' means a challenge that is no less than the minimum level of rigour and difficulty reasonably expected of the higher education course, in the context of the subject matter and level of the course.

		<p>of whether a course will provide educational challenge.</p> <p>OR</p> <p>Explain the process for course approval you intend to operate, including who would be involved and their experience in developing and delivering higher education courses.</p> <p>Include dates for achieving milestones and state when additional evidence will become available in relation to the courses you plan to provide if your provider is registered.</p>
c. Each higher education course is coherent ⁵¹	Explain in detail how you will ensure the higher education courses you plan to provide will be coherent as defined in Condition B1.5b.	<p>Draft or final course documents, for example, programme specifications that demonstrate courses are coherent.</p> <p>A representative sample of draft or final module documents, for example module specifications, that allow an assessment of whether a course is coherent.</p> <p>OR</p> <p>Explain the process for course approval you intend to operate, including who would be involved and their experience in developing and delivering higher education courses.</p> <p>Include dates for achieving milestones and state when additional evidence will become available in relation to the courses you plan to provide if your provider is registered.</p>
d. Each higher education course is effectively delivered ⁵²	Explain in detail how you will ensure the higher education courses you plan to provide will be effectively delivered as defined in Condition B1.5d.	<p>Draft or final course documents, for example, programme specifications that demonstrate courses will be effectively delivered with an appropriate balance between delivery methods and between directed and independent study.</p>

⁵¹ 'coherent' means a higher education course which ensures: i. there is an appropriate balance between breadth and depth of content; ii. subjects and skills are taught in an appropriate order and, where necessary, build on each other throughout the course; iii. key concepts are introduced at the appropriate point in the course content.

⁵² 'effectively delivered', in relation to a higher education course, means the manner in which it is taught, supervised and assessed (both in person and remotely) including, but not limited to, ensuring: i. an appropriate balance between delivery methods, for example lectures, seminars, group work or practical study, as relevant to the content of the course; and ii. an appropriate balance between directed and independent study or research, as relevant to the level of the course.

		<p>A representative sample of draft or final module documents, for example module specifications that allow an assessment of whether courses will be effectively delivered.</p> <p>OR</p> <p>Explain the process for course approval you intend to operate, including who would be involved and their experience in developing and delivering higher education courses.</p> <p>Include dates for achieving milestones and state when additional evidence will become available in relation to the courses you plan to provide if your provider is registered.</p>
<p>e. Each higher education course, as appropriate to the subject matter of the course, requires students to develop relevant skills⁵³</p>	<p>Explain in detail how you will ensure the higher education courses you plan to provide will require students to develop relevant skills as defined in Condition B1.5f.</p>	<p>Draft or final course documents, for example, programme specifications that demonstrate courses will require students to develop relevant skills.</p> <p>A representative sample of draft or final module documents, for example module specifications that allow an assessment of whether courses will require students to develop relevant skills.</p> <p>OR</p> <p>Explain the process for course approval you intend to operate, including who would be involved and their experience in developing and delivering higher education courses.</p> <p>Include dates for achieving milestones and state when additional evidence will become available in relation to the courses you plan to provide if your provider is registered.</p>

⁵³ 'relevant skills' means: i. knowledge and understanding relevant to the subject matter and level of the higher education course; and ii. other skills relevant to the subject matter and level of the higher education course including, but not limited to, cognitive skills, practical skills, transferable skills and professional competences.

Condition B2: Resources, support and student engagement		
B2.2	Description of what the quality plan should contain	Supporting evidence which demonstrates how each element of the condition will be satisfied which might include but is not limited to⁵⁴;
a. A provider must take all reasonable steps ⁵⁵ to ensure that each cohort of students ⁵⁶ registered on each higher education course receives sufficient resources. ⁵⁷	Explain in detail how you will take all reasonable steps to ensure that each cohort of students registered on each higher education course receives sufficient resources to ensure a high quality academic experience for those students, and that those students can succeed in and beyond higher education, as defined in Condition B2.4b, Condition B2.4g, Condition B2.4j, and Condition B2.4k.	<p>Planned or actual staff structure chart showing number and contractual status of staff (e.g. full-time, part-time, zero hours contract).</p> <p>Any relevant documents that set out planned or actual approach to recruitment, induction and staff development.</p> <p>Job descriptions and, where individuals have already been appointed to specific posts, CVs of these individuals.</p> <p>Evidence of sufficient and appropriate facilities, learning resources and academic student support services.</p> <p>OR</p> <p>Plans and milestones for ensuring sufficient and appropriate facilities, learning resources and academic student support services.</p> <p>A representative sample of course and module student handbooks.</p> <p>A representative sample of learning materials.</p>
b. A provider must take all reasonable steps to ensure that each	Explain in detail how you will take all reasonable steps to ensure each	Any relevant documents that show the provider's planned approach to providing assessment feedback to students and

⁵⁴ The OfS may ask for further information (not limited to the table) from a provider where it considers that the provision of that information would facilitate its assessment of the provider's compliance with condition B7.

⁵⁵ 'reasonable steps' is to be interpreted in a manner which (without prejudice to other relevant considerations) focuses and places weight on: i. the particular academic needs of each cohort of students based on prior academic attainment and capability; and ii. the principle that the greater the academic needs of the cohort of students, the number and nature of the steps needed to be taken are likely to be more significant.

⁵⁶ 'cohort of students' means the group of students registered on to the higher education course in question and is to be interpreted by reference to the particular academic needs of those students based on prior academic attainment and capability.

⁵⁷ 'resources' includes but is not limited to: i. the staff team that designs and delivers a higher education course being collectively sufficient in number, appropriately qualified and deployed effectively to deliver in practice; and ii. physical and digital learning resources that are adequate and deployed effectively to meet the needs of the cohort of students.

cohort of students registered on each higher education course receives sufficient support. ⁵⁸	cohort of students registered on each higher education course receives support which is sufficient for the purpose of ensuring a high quality experience for those students, and that those students succeed in and beyond higher education, as defined in Condition B2.4l.	<p>how this will support students in their learning.</p> <p>Any relevant documents that show the provider's planned approach to student academic support, including how it identifies and monitors the needs of cohorts of students.</p> <p>Please note that we may additionally request samples of assessed students' work where a provider is already providing relevant courses and where we consider this necessary for our assessment.</p>
c. A provider must take all reasonable steps to ensure effective engagement ⁵⁹ with each cohort of students.	Explain in detail how you will take all reasonable steps to ensure effective engagement with each cohort of students which is sufficient for the purpose of ensuring a high quality academic experience for those students; and that those students succeed in and beyond higher education, as defined in Condition B2.4e.	<p>Any relevant documents that show the provider's planned approach to student engagement.</p> <p>If a provider is already delivering higher education – examples of effective engagement already in place.</p>

Condition B4: Assessment and awards		
B4.2	Description of what the quality plan should contain	Supporting evidence which demonstrates how each element of the condition will be satisfied which might include but is not limited to⁶⁰;

⁵⁸ 'support' means the effective deployment of assistance, as appropriate to the content of the higher education course and the cohort of students, including but not limited to: i. academic support relating to the content of the higher education course; ii. support needed to underpin successful physical and digital learning and teaching; iii. support relating to understanding, avoiding and reporting academic misconduct; and iv. careers support, but for the avoidance of doubt, does not include other categories of non-academic support.

⁵⁹ 'engagement' means routine provision of opportunities for students to contribute to the development of their academic experience and their higher education course, in a way that maintains the academic rigour of that course, including, but not limited to, through membership of the provider's committees, opportunities to provide survey responses, and participation in activities to develop the course and the way it is delivered.

⁶⁰ The OfS may ask for further information (not limited to the table) from a provider where it considers that the provision of that information would facilitate its assessment of the provider's compliance with condition B7.

<p>a. Students are assessed effectively.⁶¹</p>	<p>Explain in detail how you will ensure that students are assessed effectively, as defined in Condition B4.4c.</p>	<p>Draft or final:</p> <ul style="list-style-type: none"> • a representative sample of assessment criteria • a representative sample of assessment briefs • academic misconduct policies • academic regulations. <p>OR</p> <p>Explain the process for approval you intend to operate, including who would be involved and their experience in developing courses.</p> <p>Include dates for achieving milestones and when evidence will become available in relation to the courses you plan to provide if your provider is registered.</p> <p>Any third-party reports such as external examiner reports, PSRB reports or awarding partner and how the provider has responded to any issues raised (if available).</p>
<p>b. Each assessment⁶² is valid⁶³ and reliable.⁶⁴</p>	<p>Explain in detail how you will ensure that each assessment is valid and reliable as defined in Condition B4.4k and Condition B4.4i.</p>	<p>Any final or draft assessment design, marking and moderation processes and policies.</p> <p>Please note that we may additionally request samples of assessed students' work where a provider is already teaching relevant courses and where we</p>

⁶¹ 'assessed effectively' means assessed in a challenging and appropriately comprehensive way, by reference to the subject matter of the higher education course, and includes but is not limited to: i. providing stretch and rigour consistent with the level of the course; ii. testing relevant skills; and iii assessments being designed in a way that minimises the opportunities for academic misconduct and facilitates the detection of such misconduct where it does occur.

⁶² 'assessment means' any component of a course used to assess student achievement towards a relevant award, including examination and a test.

⁶³ 'valid' means that an assessment in fact takes place in a way that results in students demonstrating knowledge and skills in the way intended by design of the assessment.

⁶⁴ 'reliable' means that an assessment, in practice, requires students to demonstrate knowledge and skills in a manner which is consistent as between the students registered on a higher education course and over time, as appropriate in the context of developments in the content and delivery of the higher education course.

		consider this necessary for our assessment.
c. Academic regulations ⁶⁵ are designed to ensure that relevant awards are credible. ⁶⁶	Explain in detail how you will ensure that academic regulations are designed to ensure that relevant awards are credible as defined in Condition B4.4e.	Any draft or final academic regulations Any draft or final academic misconduct policies OR Explain the process for approval you intend to operate, including who would be involved and their experience in developing courses. Include dates for achieving milestones and when evidence will become available in relation to the courses you plan to provide if your provider is registered. Please note that we may additionally request samples of assessed students' work where a provider is already teaching relevant courses and where we consider this necessary for our assessment.
d. Subject to paragraph B4.3 (of condition B4), in respect of each higher education course, academic	Explain in detail how you will ensure that in respect of each higher education course, academic regulations are designed to	Draft or final; A representative sample of assessment criteria

⁶⁵ 'academic regulations' means regulations adopted by the provider, which govern its higher education courses, including but not limited to: i. the assessment of students' work; ii. student discipline relating to academic matters; iii. the requirements for relevant awards; and iv. the method used to determine classifications, including but not limited to: A. the requirements for an award; and B. the algorithms used to calculate the classification of awards.

⁶⁶ 'credible' means that, in the reasonable opinion of the OfS, relevant awards reflect students' knowledge and skills, and for this purpose the OfS may take into account factors which include, but are not limited to: i. the number of relevant awards granted, and the classifications attached to them, and the way in which this number and/or the classifications change over time and compare with other providers; ii. whether students are assessed effectively and whether assessments are valid and reliable; iii. any actions the provider has taken that would result in an increased number of relevant awards, and/or changes in the classifications attached to them, whether or not the achievement of students has increased, for example, changes to assessment practices or academic regulations; and iv. the provider's explanation and evidence in support of the reasons for any changes in the classifications over time or differences with other providers.

<p>regulations are designed to ensure the effective assessment of technical proficiency in the English language in a manner which appropriately reflects the level and content of the applicable higher education course.</p>	<p>ensure the effective assessment of technical proficiency in the English language in a manner which appropriately reflects the level and content of the applicable higher education course, as defined in Condition B4.4b.</p>	<p>A representative sample of assessment briefs</p> <p>Academic regulations</p> <p>OR</p> <p>Explain the process for approval you intend to operate, including who would be involved and their experience in developing courses</p> <p>Include dates for achieving milestones and when evidence will become available in relation to the courses you plan to provide if your provider is registered.</p> <p>Please note that we may additionally request samples of assessed students' work where a provider is already teaching relevant courses and where we consider this necessary for our assessment</p>
<p>e. Relevant awards⁶⁷ granted to students are credible at the point of being granted and when compared to those granted previously.</p>	<p>Explain in detail how you will ensure the relevant awards granted to students are credible at the point of being granted and when compared to those granted previously, as defined in Condition B4.4g.</p>	<p>Any draft or final academic regulations</p> <p>OR</p> <p>Explain the process for approval you intend to operate, including who would be involved and their experience in developing courses.</p> <p>Include dates for achieving milestones and when evidence will become available in relation to the courses you plan to provide if your provider is registered.</p>

Requirement of condition B7: does the provider have the capacity and resources necessary to deliver, in practice, those plans?

<p>Have the capacity and resources⁶⁸ necessary</p>	<p>Explain in detail how you have the capacity and</p>	<p>Action plans (including timescales) that set out clearly the key steps and</p>
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⁶⁷ 'relevant award' means: i. a research award; ii. a taught award; and/or iii. any other type of award or qualification in respect of a higher education course, including an award of credit granted in respect of a module that may form part of a larger higher education course, whether or not granted pursuant to an authorisation given by or under the Higher Education and Research Act 2017, another Act of Parliament or Royal Charter.

⁶⁸ 'capacity and resources' includes, but is not limited to: i. the financial resources of the provider; ii. the number, expertise, and experience of the staff employed, and to be employed, by the provider; iii. the physical

<p>to deliver, in practice, those plans.</p>	<p>resources necessary to deliver, in practice, those plans, as defined in Condition B7.3a.</p>	<p>milestones that you need to take in order to meet the requirements of B1, B2 and B4.</p> <p>A recruitment plan that sets out which members of staff will be in place by which date.</p> <p>Minutes of meetings where plans and timescales have been discussed (if available).</p> <p>Minutes of meetings from Academic Board (or equivalent) that demonstrate the approval of evidence described in the plan (if available).</p> <p>Other information submitted as part of your registration assessment, such as your business plan, financial forecasts and commentary, management and governance self-assessment and governing documents will also be used to assess this requirement.</p>
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and digital learning resources deployed, and to be deployed, by the provider and iv. the provider's management and governance arrangements. As well as the information contained in your quality plan, the OfS is also likely to draw on evidence you submit in relation to the other conditions of registration to make a judgement about whether your provider has the 'capacity and resources' necessary to deliver your plans in practice. For example, evidence submitted in relation to financial viability and sustainability, or management and governance arrangements, are likely to be relevant.



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