

Notice of determination of initial and general ongoing conditions of registration

WHEREAS:

1. Section 5 of the Higher Education and Research Act 2017 ('HERA') provides that:
 - a. the OfS must determine, and may subsequently revise, the initial and general ongoing conditions of registration;
 - b. different conditions may be determined for different descriptions of provider and for registration in different parts of the Register;
 - c. before determining or revising the conditions, the OfS must, if it appears to it appropriate to do so, consult bodies representing the interests of English higher education providers which appear to the OfS to be concerned; and
 - d. the OfS must publish the conditions determined and as revised.
2. Section 75 of HERA provides that the OfS must, from time to time, prepare and publish a regulatory framework which consists of a statement of how it intends to perform its functions and guidance for registered higher education providers. Before publishing a regulatory framework, the OfS is required to consult with the persons and bodies listed in section 75(8).
3. Between 20 July 2021 and 27 September 2021, the OfS consulted on revising conditions of registration B1, B2, B4 and B5, determining two new initial conditions of registration B7 and B8, and adding guidance to the regulatory framework to accompany these conditions ('the phase two consultation'). The OfS also undertook a preliminary consultation on changes to its quality and standards conditions during the winter of 2020-21.
4. The OfS has carefully considered submissions made on these consultations, and has outlined its policy response to these in published documents.¹ The OfS has decided to proceed with the conditions of registration and guidance proposed in the phase two consultation with some amendments, as explained in Consultation on quality and standards conditions: Analysis of responses to consultation and decision.

THEREFORE:

5. In accordance with the powers contained in sections 5 and 75 of HERA, the OfS has determined that:

¹ See www.officeforstudents.org.uk/publications/consultation-on-quality-and-standards-conditions-outcomes/.

- a. the original initial and general ongoing conditions of registration B1, B2, B4, and B5 (as set out in the regulatory framework published in February 2018),² and the guidance directly relating to those conditions,³ will cease to apply in respect of the different specified descriptions of provider as set out in the tables below; and
- b. the revised general ongoing conditions of registration B1, B2, B4 and B5 and the new initial conditions of registration B7 and B8 (both as set out in the document ‘Quality and standards conditions’), and the guidance directly relating to those conditions,⁴ will apply in respect of the different specified descriptions of provider as set out in the tables below.

Table 1: Any provider that was registered in the Register of English higher education providers before 1 March 2022 and continues to be registered

Description of conditions	When conditions apply or cease to apply
Original initial conditions of registration B1, B2, B4, B5	Cease to apply at 2359 on 28 February 2022 (see Table 2 for the position if a new application for registration is made for any reason between 1 March 2022 and 30 April 2022)
Original general ongoing conditions of registration B1, B2, B4, B5	Cease to apply at 2359 on 30 April 2022
Revised general ongoing conditions of registration B1, B2, B4, B5	Apply on and from 1 May 2022
New initial conditions of registration B7, B8	Not applicable (see Table 3 for the position if a new application for registration is made for any reason on or after 1 May 2022)

Table 2: Any provider that has an application for registration which is live⁵ at any time between 1 March 2022 and 30 April 2022 (including any provider covered by the description in Table 1 that for any reason makes a new application for registration, for example, an application for registration in a different category of the Register)

Description of conditions	When conditions apply or cease to apply
Original initial conditions of registration B1, B2, B4, B5	Cease to apply on the date a final decision is issued to the provider in relation to one of the following: <ol style="list-style-type: none"> a. granting registration in the Register of English higher education providers;

² See www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/.

³ This guidance is found on pages 87-93 of the regulatory framework.

⁴ See www.officeforstudents.org.uk/publications/consultation-on-quality-and-standards-conditions-outcomes/.

⁵ This means that a provider has made an application for registration which has not resulted in the OfS making a final decision in relation to one of the following:

- a. granting registration in the Register of English higher education providers;
- b. refusing registration in the Register of English higher education providers; or
- c. permitting the provider to withdraw an application for registration in the Register of English higher education providers.

Description of conditions	When conditions apply or cease to apply
	<p>b. refusing registration in the Register of English higher education providers; or</p> <p>c. permitting the provider to withdraw an application for registration in the Register of English higher education providers</p>
Original general ongoing conditions of registration B1, B2, B4, B5	Cease to apply at 2359 on 30 April 2022
Revised general ongoing conditions of registration B1, B2, B4, B5	<p>Apply on and from 1 May 2022 for the purposes of the OfS's assessment of future risks</p> <p>If the provider is granted registration in the Register of English higher education providers, apply for all purposes on and from the date registration takes effect or from 1 May 2022, whichever is later</p>
New initial conditions of registration B7, B8	Not applicable (see Table 3 for the position if a new application for registration is made for any reason on or after 1 May 2022)

Table 3: Any provider that makes an application for registration on or after 1 May 2022 (including any provider covered by the description in Table 1 or Table 2 that for any reason makes a new application for registration, for example, an application for registration in a different category of the Register)

Description of conditions	When conditions apply or cease to apply
Original initial conditions of registration B1, B2, B4, B5	Cease to apply at 2359 on 30 April 2022
Original general ongoing conditions of registration B1, B2, B4, B5	Cease to apply at 2359 on 30 April 2022
Revised general ongoing conditions of registration B1, B2, B4, B5	<p>Apply on and from the date the provider applies for registration for the purposes of the OfS's assessment of future risks</p> <p>If the provider is granted registration in the Register of English higher education providers, apply for all purposes on and from the date registration takes effect</p>
New initial conditions of registration B7, B8	Apply on and from the date the provider applies for registration