

Annex E: Proposed additions to Regulatory notice 7 for further education colleges not seeking DAPs

Schedule 1 part A

Element of registration	Providers this is applicable to	Specified information	Specified time	Manner specified
E11.1	All providers	All documents held by the provider that form part of the following set of governing documents: i. documents which establish the provider as an institution, including (where applicable to the provider's legal form) its Royal Charter, memorandum and articles of association or trust deed ii. governing body documents iii. risk and audit documents iv. decision making documents v. conflicts of interest policy vi. any other documents (including shareholder agreements) which contain rules which govern the operation of the provider's governing body. Where a provider has identified that a provision in its governing documents, including but not limited to the set of governing documents submitted as part of its registration application, may be inconsistent with compliance with its free speech duties, it must provide: • the relevant governing document(s); • an explanation of the potential inconsistency identified; • any governance review, or other assessment undertaken in relation to the issue (where available); and • details of any steps taken, or proposed to be taken, to amend	To be submitted with application	Via the OfS portal

Element of registration	Providers this is applicable to	Specified information	Specified time	Manner specified
		the relevant document(s) and the anticipated timescale for doing so confirmation, in the free speech management and governance self-assessment form at Annex [TBC] of Regulatory advice 3, that all governing documents have been reviewed by the provider, and are consistent with compliance with its free speech duties.		
E11.2		A free speech code of practice, which may deal with other matters but must set out the following: - the provider's values relating to freedom of speech and an explanation of how those values uphold freedom of speech, - the procedures to be followed by staff and students of the provider and any students' union for students at the provider in connection with the organisation of— - meetings which are to be held on the provider's premises and which fall within any class of meeting specified in the code, and - other activities which are to take place on those premises and which fall within any class of activity so specified, - the conduct required of such persons in connection with any such meeting or activity, and - the criteria to be used by the provider in making decisions about whether to allow the use of premises and on what terms (which must include its criteria for		

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		determining whether there are exceptional circumstances for the purposes of section A1(10) of HERA). • a completed interventions declaration form at Annex [TBC] of Regulatory advice 3. • a completed free speech management and governance self-assessment template at Annex [TBC] of Regulatory advice 3.		

Schedule 1 Part B

Providers this is applicable to	Specified information	Specified time	Manner specified
All providers	q. Amendments to the free speech code of practice submitted by the provider in connection with its registration application. r. Amendments to any governing documents submitted by the provider in connection with its registration application. s. Where a provider has identified a provision in its governing documents, including but not limited to the set of governing documents submitted as part of its registration application, may be inconsistent with compliance with its free speech duties, it must provide: • the relevant governing document(s); • an explanation of the potential inconsistency identified; • any governance review, or other assessment undertaken in	After submission of the provider's registration application and prior to the OfS making a final decision about the provider's registration application, and within 28 working days of the provider becoming aware of the Specified Information	Via the OfS portal

Providers this is applicable to	Specified information	Specified time	Manner specified
	relation to the issue (where available); and • details of any steps taken, or proposed to be taken, to amend the relevant document(s) and the anticipated timescale for doing so. t. A notification to the provider that it is subject to an intervention by or on behalf of, the Department for Education relating to: a. financial health b. financial management and other controls c. failure to make progress on resolving an issue/s of concern in relation to a. or b.		