

Notice of determination of initial and general ongoing conditions of registration: further education colleges

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;
 - 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;
 - d. the OfS must publish the conditions determined and as revised; and
 - e. the OfS may, at the time of a provider's registration or later, decide that a particular general ongoing registration condition is not applicable to it.
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 2 December 2025 and 10 February 2026 the OfS consulted on:
 - a. ceasing to apply initial and ongoing conditions of registration A2 to all further education colleges;²

¹ See [Consultation on proposals to change how the Office for Students regulates further education colleges in England - Office for Students](#).

² 'Further education college/s' refers to a further education corporation, a sixth form college corporation, or a Designated Institution established or designated under the Further and Higher Education Act 1992. Collectively, these are referred to as further education college/s.

- b. ceasing to apply initial conditions of registration D, E7, E8, and E9 to further education colleges submitting an application for registration with the OfS where they are not also applying for Degree Awarding Powers;³ and
 - c. ceasing to apply ongoing conditions of registration D, E1 and E2 to further education colleges registered with the OfS where they do not hold and have not applied for Degree Awarding Powers.
4. The OfS has carefully considered submissions made to this consultation and has set out its policy response to these in published documents. The OfS has decided to proceed with its proposals as proposed in the consultation.⁴

THEREFORE:

5. In accordance with the powers contained in sections 5, and 75 of HERA, the OfS has determined that as of 9 July 2026:
- a. initial condition of registration A2 will cease to apply for all further education colleges applying for registration with the OfS;
 - b. ongoing condition of registration A2 will cease to apply for all registered further education colleges;
 - c. initial conditions of registration D, E7, E8 and E9 will cease to apply for further education colleges applying for registration with the OfS where they are not also applying for Degree Awarding Powers; and
 - d. ongoing conditions of registration D, E1 and E2 will cease to apply for all registered further education colleges that do not hold Degree Awarding Powers and do not have a live application for Degree Awarding Powers.
6. For the avoidance of doubt, ongoing conditions D, E1 and E2 will reapply to any registered further education college that makes an application for Degree Awarding Powers from the point of notification by the OfS that the conditions apply.⁵ If a registered further education college's application for Degree Awarding Powers is unsuccessful or withdrawn, meaning that they do not hold Degree Awarding Powers and do not have a live application for Degree Awarding Powers, ongoing conditions of registration D, E1 and E2 will again cease to apply.
7. See Table 1 below for how the changes will affect different descriptions of providers.

³ An application for 'Degree Awarding Powers' means an application to the OfS for authorisation to grant taught awards or research awards (or both) in accordance with section 42 of HERA

⁴ See Changes to the OfS's regulation of further education colleges in England: Consultation outcomes - Office for Students.

⁵ See Regulatory advice 12: How to apply for degree awarding powers - Office for Students.

Table 1: Conditions of registration being disapplied

Condition	Initial or Ongoing	Description of provider condition does not apply to
Condition A2	Initial	All further education colleges applying for OfS registration.
Condition A2	Ongoing	All registered further education colleges.
Condition D	Initial	Further education colleges applying for OfS registration that are not applying for Degree Awarding Powers.
Condition D	Ongoing	Registered further education colleges that do not hold Degree Awarding Powers and that do not have a live application for Degree Awarding Powers.
Condition E7	Initial	Further education colleges applying for OfS registration that are not applying for Degree Awarding Powers.
Condition E8	Initial	Further education colleges applying for OfS registration that are not applying for Degree Awarding Powers.
Condition E9	Initial	Further education colleges applying for OfS registration that are not applying for Degree Awarding Powers.
Condition E1	Ongoing	Registered further education colleges that do not hold Degree Awarding Powers and that do not have a live application for Degree Awarding Powers.
Condition E2	Ongoing	Registered further education colleges that do not hold Degree Awarding Powers and that do not have a live application for Degree Awarding Powers.