# Initial condition C5 checklist

## Initial condition C5 submission checklist

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| **I confirm that I have submitted the following documents:** |
| Template contract(s) that set out terms and conditions for the provision of higher education, including terms related to any tuition fees payable and any additional costs that may apply (including but not limited to additional fees to re-sit exams) | Choose at least one the following options (and all that apply):* I have submitted template contract(s) between my provider and any students my provider will teach [ ]
* I have submitted template contract(s) between other parties and any students my provider will teach (select as appropriate):
	+ template contract(s) between students my provider will teach and any other higher education provider, where my provider is delivering higher education on behalf of that provider (for example, through a subcontractual arrangement) [ ]
	+ relevant extracts of template contract(s) between apprentice or other employer-sponsored students and their employer, where there are specific terms and conditions related to the higher education that will be delivered by my provider [ ]
* I have submitted template contract(s) between my provider and any students that will be taught by another party on my provider’s behalf [ ]
* I have submitted template contract(s) between another party and students that will be taught by that party on my provider’s behalf [ ]

Please include any additional information you consider to be relevant (or otherwise leave blank): Click or tap here to enter text. |
| Template contracts (including terms and conditions) between students and my provider for the provision of ancillary services or facilities (where my provider offers these and there is a separate contract that students are required to sign) | **Library services:**Choose one of the following options:* Yes [ ]
* My provider does not offer these services (or they are offered by a third party on my provider’s premises) [ ]
* My provider offers these services but there is no separate contract that students are required to sign[ ]

Please include any additional information you consider to be relevant (or otherwise leave blank): Click or tap here to enter text. |
| **Disability support packages**Choose one of the following options:* Yes [ ]
* My provider does not offer these services (or they are offered by a third party on my provider’s premises) [ ]
* My provider offers these services but there is no separate contract that students are required to sign[ ]

Please include any additional information you consider to be relevant (or otherwise leave blank): Click or tap here to enter text. |
| **Scholarships**Choose one of the following options:* Yes [ ]
* My provider does not offer these services (or they are offered by a third party on my provider’s premises) [ ]
* My provider offers these services but there is no separate contract that students are required to sign[ ]

Please include any additional information you consider to be relevant (or otherwise leave blank): Click or tap here to enter text. |
| **Accommodation**Choose one of the following options:* Yes [ ]
* My provider does not offer these services (or they are offered by a third party on my provider’s premises) [ ]
* My provider offers these services but there is no separate contract that students are required to sign[ ]

Please include any additional information you consider to be relevant (or otherwise leave blank): Click or tap here to enter text. |
| **Sports facilities**Choose one of the following options:* Yes [ ]
* My provider does not offer these services (or they are offered by a third party on my provider’s premises) [ ]
* My provider offers these services but there is no separate contract that students are required to sign[ ]

Please include any additional information you consider to be relevant (or otherwise leave blank): Click or tap here to enter text. |
| Policy (or policies) relating to the circumstances in which my provider may make changes to:* courses (including changes to: material components or content of a course, changes to subjects offered and course closure)
* qualifications to be awarded (including circumstances where a validating partner has withdrawn validation)
* modes of study (including full-time, part-time, online and hybrid provision, and including measures to address the needs of specific student groups, including accessibility needs)
* teaching location and facilities (including, closure of a campus, building or other facilities and including measures to address the needs of specific student groups, including accessibility needs)
* course fees and other related fees or charges (for example, additional fees to re-sit exams)
 | Yes [ ]  |
| Complaints process(s) related to the provision of higher education – where there are different processes for different categories of student, I have included all of these in my submission | Yes [ ]  |
| Policy (or policies) that set out the terms for refund and compensation for higher education students | Choose at least one of the following options (and all that apply):* I have submitted the refund and compensation policies of my provider [ ]
* I have submitted the refund and compensation policies of another higher education provider [ ]
* I have submitted other refund and compensation policies [ ]

Please include any additional information you consider to be relevant (or otherwise leave blank): Click or tap here to enter text. |
| Completed initial condition C5 declaration form | Yes [ ]  |

### Information about submission requirements for condition C5

In making our assessment, we will consider the contracts, policies and process documents your provider uses in its relationships with students. We have set out detailed information about the documents you will need to submit in the application requirements notice.[[1]](#footnote-1)

You will also need to make a declaration about:

* findings of non-compliance with consumer protection law
* other relevant adverse findings
* undertakings accepted by consumer protection enforcement bodies
* outstanding applications for enforcement orders made by consumer protection enforcement bodies.

We have provided a declaration form at Annex J: ‘C5 declaration form’.

In compiling your application documents, you should make sure they comply with the requirements of OfS initial condition C5, including the OfS prohibited behaviours list. [[2]](#footnote-2)

Separately to the requirements of the condition, you should make sure your documents comply with consumer protection law. The Competition and Markets Authority (CMA) has previously published guidance for higher education providers to support legal compliance.[[3]](#footnote-3) You may also find it useful to refer to the CMA’s general guidance for traders to make sure you keep up to date with changes to legislation.[[4]](#footnote-4)

You will also be required to subscribe to (and cooperate with the requirements of) the Office of the Independent Adjudicator for Higher Education’s (OIA) complaints scheme under ongoing condition C2 if you are successfully registered. We note that CMA guidance for higher education providers indicates that complaints procedures are more likely to comply with legal requirements where they follow the OIA's Good Practice Framework (GPF).[[5]](#footnote-5) You should be aware that ‘fairness’ is one of a number of principles in the GPF and the OIA may separately review your documents against its principles. If your provider already subscribes to the OIA’s complaints scheme, the OIA may have previously considered your documents. Please be aware that the OfS's review of your documents and our judgement against initial condition C5 is independent from any view the OIA may have taken (or may take in future) about your documents, including any view taken by the OIA in relation to its own fairness principle.

### Submitting additional contextual information alongside mandatory documents

You may use the text boxes provided in this submission checklist to provide additional information about any of the documents you are submitting. Where you consider the space provided is insufficient, you may submit further information separately. Any additional information must:

* be clearly labelled as supporting information for initial condition C5
* not seek to justify the non-submission of mandatory information
* not seek to justify the inclusion of provisions in student-facing documents that would otherwise be contrary to any of the provisions set out in the OfS prohibited behaviours list.

### Providers in subcontractual partnerships or delivering employer-sponsored provision

Where your provider does not intend to charge fees to any students if successfully registered, you must still submit all the required documents. This is relevant to the following providers in particular:

* providers that intend only to provide higher education via a subcontractual partnership
* providers that intend only to deliver higher education as part of an apprenticeship or other employer-sponsored provision.

To meet the submission requirements, you may need to submit documents for your provider and of other higher education providers or organisations connected with you provider’s higher education provision. This only applies to documents related to the charging of tuition fees, as follows:

* template terms and conditions for the provision of higher education, including terms related to any tuition fees payable and any additional costs that may apply
* policies that set out the terms for refund and compensation for higher education students.

You will be responsible for the submission of these documents so you may need to liaise with your partners in preparing your submission.

In a subcontractual partnership, if your provider considers the lead provider’s documents do not comply with the requirements of initial condition C5, you should seek to address this with your partners before submitting your application.

If you are seeking registration and intend to deliver apprenticeship or other employer-sponsored provision you will need to submit relevant extracts of template contracts between students and their employer. Relevant extracts are specific terms and conditions related to the higher education that will be delivered by your provider. We will not assess these contracts, but we will use them to check that any content in your provider’s documents (or other published information) is consistent with information provided to students by their employer.

1. See Annex A: Application requirements notice at [Supporting documents](https://www.officeforstudents.org.uk/for-providers/registering-with-the-ofs/how-to-register-with-the-office-for-students/supporting-documents/). [↑](#footnote-ref-1)
2. See [Regulatory framework for higher education in England](https://www.officeforstudents.org.uk/publications/regulatory-framework-for-higher-education-in-england/). [↑](#footnote-ref-2)
3. See [Higher education: consumer law advice for providers](https://www.gov.uk/government/publications/higher-education-consumer-law-advice-for-providers). [↑](#footnote-ref-3)
4. See [Consumer rights and issues](https://www.gov.uk/business-and-industry/consumer-rights-and-issues#guidance_and_regulation).  [↑](#footnote-ref-4)
5. See [Good Practice Framework](https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/).  [↑](#footnote-ref-5)