

Regulatory advice 13: How to apply for university college and university title

**Guidance for providers about the application
process**

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Enquiries to regulation@officeforstudents.org.uk

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Introduction

1. The Higher Education and Research Act 2017 (HERA) gives the Office for Students (OfS) the power to authorise the use of the word 'university' in a higher education provider's name. This regulatory advice sets out guidance for providers of higher education in England that wish to use either 'university college' or 'university' as part of their name. It applies to a provider that wishes to make an application on or after 1 April 2019.
2. A higher education provider that is currently authorised to use either 'university college' or 'university' as part of their name does not need to apply to the OfS to retain this authorisation. Such providers are, however, required to register with the OfS.¹
3. This document provides information to help a provider to understand:
 - a. Whether it is eligible to apply to use either the word 'university college' or 'university' in its name
 - b. What evidence it will need to submit in support of its application
 - c. How its application will be assessed.
4. This guidance should be read in conjunction with the OfS's regulatory framework² which sets out in full the approach that we will take to the registration and regulation of providers.

¹ More information about the OfS registration process can be found at: www.officeforstudents.org.uk/providers/registering-with-the-ofs/how-to-register-with-the-office-for-students/.

² Available at www.officeforstudents.org.uk/publications/regulatory-framework-for-higher-education-in-england/.

Applying for university college or university title

Eligibility requirements

5. There are different eligibility criteria depending on whether a provider wishes to apply for university college or university title.
6. A provider **is eligible** to apply for **university college title** if it is a higher education provider that has:

- Registered with the OfS
- Continued to satisfy all of its ongoing conditions of registration
- Obtained degree awarding powers (DAPs) to grant taught awards (other than foundation degree-only DAPs) or research awards and that authorisation is not time limited.

7. A provider **is eligible** to apply for **university title** if in addition it has:

- A number of full-time equivalent higher education students that exceeds 55 per cent of the total number of full-time equivalent students, of which at least 50 per cent must be on courses at Level 6 or above on the Framework for Higher Education Qualifications (the '55 per cent criterion').³

8. A provider is **not eligible** to apply for **university college** or **university title** if any of the following apply:

³ The method that the OfS will use to calculate students numbers for these purposes is published at: www.officeforstudents.org.uk/data-and-analysis/student-numbers-for-regulatory-purposes/.

- It is a provider with time-limited Full DAPs, New DAPs, or foundation degree-only DAPs
- It is a provider that is part of the further education sector (i.e. an English further education provider as defined in section 83 of HERA).⁴
- It is not the same legal entity as the provider that was assessed for and granted DAPs – university college title or university title can apply only to the provider awarded DAPs, and not to any different entity.

9. All providers are encouraged to discuss the application process for university college or university title with the OfS at an early stage, to ensure that the organisation is eligible to apply and has a clear understanding of the criteria, documentation requirements and assessment processes. The OfS can provide factual information and clarify requirements and the process but cannot provide advice about the content of an individual application and its likely success.

Making an application

10. To apply for university college or university title a provider must make a correct application to the OfS. A provider must submit an application form, setting out whether it is applying for university college or university title and what its preferred name is. Annex A sets out the application process.

Assessment of an application

11. The OfS will consider its existing risk assessment for the provider against the ongoing conditions of registration, including any enhanced monitoring or specific conditions that may have been applied, to determine the provider's suitability for university college or university title. Where a provider is subject to enhanced monitoring, or has one or more specific ongoing conditions of registration, and the OfS considers these to be relevant, for example because they have been imposed to mitigate increased risk of a breach of an ongoing condition relating to quality, standards, financial viability and sustainability, and management or governance, an application for university college or university title may be less likely to succeed. A provider is not required to submit any additional information in these areas with its application. The OfS may, however, request further information should it deem this necessary.
12. In carrying out our assessment of an application, we will consider all relevant information including advice received from other interested parties as appropriate, for example, the designated quality body and other regulators. The OfS will also consider its general duties as set out in section 2 of HERA.

⁴ A further education corporation must apply to the Secretary of State to re-incorporate as a higher education corporation before becoming eligible to apply. Guidance on the process of re-incorporating as a higher education corporation is issued separately by the Department for Education and is available from: www.gov.uk/government/publications/transferring-from-the-further-education-to-the-higher-education-sector. A provider that is not a further education corporation, but is part of the statutory further education sector, would normally need to take any necessary steps to move out of this sector to become eligible to apply.

13. You must be prepared to engage with us during our assessment and to submit such other information as we may reasonably request in connection with your application. If you provide inaccurate or out of date information our decision may be delayed and we may take action, including refusing your application.

Student number criterion

14. If a provider has applied for university title, the OfS will determine whether it meets the student number requirement. The OfS will normally use data that has already been collected by the Higher Education Statistics Agency (HESA) or the Education and Skills Agency (ESFA).⁵ A provider is not required to submit additional evidence to demonstrate that this criterion is met with its application. The OfS may, however, request further information should it deem this necessary.

Proposed name

15. Providers are not entitled to any particular name. In considering an application for university college or university title, the OfS is legally obliged to have regard to the need to avoid names that are, or may be, confusing. For example, if the name proposed is very similar to another registered provider or business. The OfS will only approve names that are considered not to be, or have the potential to be, confusing or misleading. Should a proposed name be considered to be confusing or misleading, a provider will be invited to choose a different name which the OfS will then consult on.
16. Once an application has been received, the OfS will consult on the proposed new name and undertake desk-based research checking for similar names, to assess whether a proposed name is confusing or misleading. The type of consultation undertaken by the OfS and the number and type of organisations included will vary depending on the context of the provider. A provider is not required to submit any additional information in this area with its application. The OfS may, however, request further information should it deem this necessary.

Outcome of the assessment

Successful applications

17. If a provider's application is successful, the OfS will write to it, inviting it to formally change its name. The process for this differs depending on a provider's legal form. Most providers will be able to change their name in their own governing documents, and change their name with Companies House as required.
18. If a provider is a chartered body or has a Private Act it must follow the relevant procedures to change its name. The precise requirements relating to changes to such governing documents are likely to vary, and providers that remain subject to any Privy Council oversight should contact the Privy Council Office.⁶

⁵ More detail on the method the OfS will use to calculate student numbers for these purposes is published at: www.officeforstudents.org.uk/data-and-analysis/student-numbers-for-regulatory-purposes/.

⁶ More information about the Privy Council Office is available at: <https://privycouncil.independent.gov.uk/the-privy-council/>.

19. Where a provider is obliged to register or change a business or company name with Companies House, a non-objection letter to the use of the word 'university' in the new name or within your governing documents will be provided. A provider should submit this letter to Companies House alongside the request to use the sensitive word 'university'. Further information on the process for incorporating a company and choosing a company or business name is set out in guidance published by Companies House.⁷

Unsuccessful applications

20. If a provider's application is unsuccessful, the OfS will write to it setting out:
- a. The reasons for the decision
 - b. How the provider can request a review that the OfS correctly followed its procedures.
21. A provider may reapply for university college or university title once it has addressed the reasons for its previously unsuccessful application.

⁷ This guidance is available at: www.gov.uk/government/publications/incorporation-and-names.

Annex A: Summary of application process

Contact the Office for Students (OfS) to express interest, discuss eligibility, evidence requirements, likely timescales and advice on how to proceed.



Submit formal application to the OfS via the portal.



The OfS will carry out an assessment of the provider's application, including consulting on the proposed name.



The OfS will inform the provider of the outcome of its application.



If a provider's application is **successful**, the OfS will write to it to formally invite it to change its name. Where a provider is obliged to register or change a business name or company name with Companies House, a non-objection letter to the use of the word 'university' in the new name or within your governing documents will be provided.



If a provider's application is **unsuccessful**, the OfS will write to it confirming this and set out the reasons for the OfS's decision. The OfS will, on request, review that it has followed its procedures correctly. A provider may reapply for university title or university college title if it can demonstrate that it has addressed the reasons for any previous unsuccessful application.

Accessing and submitting a university title application

1. A provider should contact the OfS at an early stage via regulation@officeforstudents.org.uk to discuss its plan to apply for a university college or university title. The OfS can provide information about eligibility and evidence requirements, and the assessment process.
2. Once the provider is ready to apply, it should submit the application form via the portal. Providers can access the portal through our guide to university title on the OfS website.⁸
3. Applications for university college or university title must be submitted via the OfS portal. To access the portal visit: <https://ofsproviderportal.officeforstudents.org.uk/>
4. All submissions related to university college or university title will now be made through this portal. All providers have a portal admin. Your portal admin will need to give you access. Your portal admin is your provider's accountable officer or someone they have delegated to take on this role. If you are unsure who this is, please contact portal@officeforstudents.org.uk and we can assist you. All technical portal guidance can be found on the relevant portal pages.

Submitting your application and supporting evidence

5. We have published step-by-step guidance on how to submit an application on the portal.

⁸ See [Apply for university title - Office for Students](#).



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www.nationalarchives.gov.uk/doc/open-government-licence/version/3/