

Subcontracting information source minimum content requirements

This document contains the definition of ‘**minimum content requirements**’ for the purposes of general ongoing condition of registration E10.

It forms part of (and should be read in conjunction with) condition E10. For the avoidance of doubt, where defined terms are used in this document, the definitions in condition E10 apply.

For the purposes of condition E10, ‘**minimum content requirements**’ means information in respect of all of the following:

- a. **Subcontractual rationale:** The provider’s strategic rationale for engaging in subcontractual relationships in relation to the provision of higher education courses, including:
 - i. how, in developing that rationale, it ensures that the needs of students are prioritised over financial considerations;
 - ii. the provider’s strategic rationale for its existing **relevant subcontractual arrangements**.
- b. **New arrangements:** The provider’s approach to assessing potential new **relevant subcontractual arrangements**, including:
 - i. how the provider assesses the feasibility of potential new **relevant subcontractual arrangements**, including how this approach is in line with its stated strategic rationale for engaging in subcontractual relationships (in relation to the provision of higher education courses);
 - ii. how the provider assesses whether courses to be provided for under potential new **relevant subcontractual arrangements** will comply with the OfS’s regulatory requirements, including conditions B1, B2, B3, B4 and B5;
 - iii. how the provider undertakes due diligence on potential partners in potential new **relevant subcontractual arrangements**;
 - iv. how the provider assures itself that potential partners in potential new **relevant subcontractual arrangements** have the **capacity and resources** necessary to meet their contractual obligations under those arrangements.
- c. **Oversight by governing body and others:** The control and oversight mechanisms that the provider’s **governing body** and, where applicable, committee(s) and/or individual(s) with responsibility for **risk and audit functions**, have in place to:
 - i. meet the overarching obligation contained in E10.5; and

- ii. ensure delivery of its stated strategic rationale for engaging in subcontractual relationships (in relation to the provision of higher education courses).

This includes how the **governing body** and, where applicable, those committee(s) and/or individual(s):

- i. identify and address risks that the provider's existing and future **relevant subcontractual arrangements** pose (or could pose) to the interests of students and/or taxpayers;
 - ii. oversee and ensure the quality and rigour of the internal or external auditing of existing and future **relevant subcontractual arrangements**;
 - iii. ensure that courses provided for (or to be provided for) under existing and future **relevant subcontractual arrangements** comply (or will comply) with the OfS's regulatory requirements, including conditions B1, B2, B3, B4 and B5.
- d. Policies and procedures: The policies and procedures that the provider has in place to meet the overarching obligation contained in E10.5 and ensure delivery of its stated strategic rationale for engaging in subcontractual relationships (in relation to the provision of higher education courses), including:
- i. how the provider responds to complaints about courses provided for under its **relevant subcontractual arrangements**;
 - ii. how the provider deals with whistleblowing about activity under its **relevant subcontractual arrangements**;
 - iii. how the provider manages perceived and actual **conflicts of interest** in relation to its **relevant subcontractual arrangements**;
 - iv. how the provider manages and mitigates risks to public funding associated with courses provided for under its **relevant subcontractual arrangements**;
 - v. where the provider uses external recruitment agents (either directly or via its partner) to recruit students onto courses provided for under its **relevant subcontractual arrangements**, how the provider oversees the work of these agents;
 - vi. how the provider oversees the application of the criteria and processes for admitting students onto courses provided for under its **relevant subcontractual arrangements**, including how it oversees the application of exemptions or exceptions to the admissions criteria and processes for particular students;
 - vii. how the provider assesses and approves delivery of courses provided for under its **relevant subcontractual arrangements**;
 - viii. how the provider monitors (on an ongoing basis) courses provided for under its **relevant subcontractual arrangements** to ensure that they comply with conditions B1, B2, B3, B4 and B5;

- ix. how the provider oversees prevention, identification and management of academic misconduct in relation to courses provided for under its **relevant subcontractual arrangements**;
 - x. how the provider ensures that it has access to information or data held by its partner about courses provided for under its **relevant subcontractual arrangements** and students on those courses, insofar as this is necessary to ensure that those courses comply with the OfS's regulatory requirements, including conditions B1, B2, B3, B4 and B5;
 - xi. how the provider verifies the information or data held by its partner about courses provided for under its **relevant subcontractual arrangements** and students on those courses, including via onsite visit inspections;
 - xii. how the provider will protect the interests of students and ensure that they can continue and complete their studies in the event that a partner in one of the provider's **relevant subcontractual arrangements** fully or substantially ceases the provision of a course provided for under that arrangement ('**delivery failure**'), including by providing for arrangements to ensure that students would be able to transfer to the provider, or another higher education provider, to continue and complete their studies in the event of a **delivery failure**;
 - xiii. how the provider will protect the interests of students in the event of poor performance by a partner under one of the provider's **relevant subcontractual arrangements**.
- e. Adaptability: How the provider ensures that the policies, procedures and other provisions set out on the basis of paragraphs a-d above remain fit for purpose and effective in the event of changes to its **relevant subcontractual arrangements**, including where there is significant growth in the number of students registered on courses provided for under those arrangements.