

## SCHEDULES

### SCHEDULE 4

#### ASSESSING HIGHER EDUCATION: DESIGNATED BODY

##### PART 1

##### DESIGNATION

###### *Consultation prior to recommendation*

- 1 (1) The OfS may consult in accordance with sub-paragraph (3) about whether there is a body that is suitable to perform the assessment functions.
- (2) The Secretary of State may direct the OfS to consult in accordance with sub-paragraph (3) about whether there is a body that is suitable to perform the assessment functions.
- (3) The OfS consults in accordance with this sub-paragraph if it consults—
- (a) a number of registered higher education providers that, taken together, appear to the OfS to comprise a broad range of the different types of such providers,
  - (b) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, a broad range of students on higher education courses provided in England by registered higher education providers,
  - (c) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, a broad range of employers of graduates, and
  - (d) such other persons as the OfS considers appropriate.

###### *Recommendation*

- 2 (1) This paragraph applies where the OfS has consulted in accordance with paragraph 1.
- (2) The OfS must consider whether there is a body that is suitable to perform the assessment functions.
- (3) If the OfS considers that there is only one body that is suitable to perform the assessment functions, the OfS must recommend that body to be designated to perform those functions.
- (4) If the OfS considers that there is more than one body that is suitable to perform the assessment functions, the OfS must recommend the most appropriate body to be designated to perform those functions.
- (5) “The most appropriate body” means, out of those bodies, the body whose designation the OfS considers would be most appropriate for securing the effective assessment

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of the quality of, and the standards applied to, higher education provided by English higher education providers.

- (6) If the OfS considers that there is no body that is suitable to perform the assessment functions, the OfS may not recommend a body to be designated to perform those functions.
- (7) The OfS must—
- (a) notify the Secretary of State of its recommendation or that no recommendation is made, and
  - (b) publish that notification.

### *Designation*

- 3 (1) This paragraph applies where, in accordance with paragraph 2, the OfS recommends that a body (“the recommended body”) be designated to perform the assessment functions.
- (2) The Secretary of State may designate the recommended body only if the Secretary of State considers that—
- (a) the body is suitable to perform the assessment functions, and
  - (b) designating the body would be appropriate for securing the effective assessment of the quality of, and the standards applied to, higher education provided by English higher education providers.
- (3) If the Secretary of State decides to designate the recommended body, the Secretary of State must—
- (a) notify the body of the designation before the date on which the designation takes effect (“the effective date”), and
  - (b) publish notice of the designation before that date.
- (4) The notice of the designation must state—
- (a) the name of the body, and
  - (b) the effective date.
- (5) If the Secretary of State decides not to designate the recommended body, the Secretary of State must publish the reasons for not doing so.

### *Bodies suitable to perform assessment functions*

- 4 (1) A body is suitable to perform the assessment functions if the body satisfies conditions A to D.
- (2) Condition A is that the body is capable of performing the assessment functions in an effective manner.
- (3) Condition B is that—
- (a) the persons who determine the strategic priorities of the body represent a broad range of registered higher education providers,
  - (b) the body commands the confidence of registered higher education providers, and
  - (c) the body exercises its functions independent of any particular higher education provider.

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- (4) Condition C is that the body consents to being designated under this Schedule.
- (5) Condition D is that the body is a body corporate and is not—
  - (a) a servant or agent of the Crown, or
  - (b) a body to which the Secretary of State appoints members.

#### *Removal of designation*

- 5 (1) The Secretary of State may by notice remove a designation under this Schedule.
- (2) The notice must—
  - (a) include the reasons for the Secretary of State’s decision, and
  - (b) specify the date on which the designation is removed.
- (3) The Secretary of State may only remove the designation if—
  - (a) the Secretary of State is satisfied that removing the designation would be appropriate for securing the effective assessment of the quality of, and the standards applied to, higher education provided by English higher education providers,
  - (b) the Secretary of State is satisfied that the designated body is failing to perform in an effective manner its functions under section 46, or
  - (c) the designated body consents to the removal of the designation.
- (4) Before removing the designation the Secretary of State must consult—
  - (a) the OfS,
  - (b) a number of registered higher education providers that, taken together, appear to the Secretary of State to comprise a broad range of the different types of such providers,
  - (c) a number of persons that, taken together, appear to the Secretary of State to represent, or promote the interests of, a broad range of students on higher education courses provided in England by registered higher education providers,
  - (d) a number of persons that, taken together, appear to the Secretary of State to represent, or promote the interests of, a broad range of employers of graduates, and
  - (e) such other persons as the Secretary of State considers appropriate.
- (5) In determining whether a designation under this Schedule should be removed, the Secretary of State must have regard to any relevant information that the OfS has provided to the Secretary of State.
- (6) The Secretary of State must publish a notice under this paragraph.