
STATUTORY INSTRUMENTS

2018 No. 470

The Higher Education (Access and Participation Plans) (England) Regulations 2018

Review of decisions

6.—(1) Any of the following decisions of the OfS has effect in the first instance as a provisional decision for the purpose of these Regulations—

- (a) whether to approve or not to approve a plan under regulation 3(2);
- (b) whether to approve or not to approve a variation of a plan under regulation 4.

(2) The governing body of an institution affected by a provisional decision may apply to the review body for a review of that decision.

(3) A provisional decision becomes final if the governing body—

- (a) informs the OfS that it accepts the provisional decision; or
- (b) does not apply for a review within 28 days beginning with the date of the provisional decision.

(4) Where the governing body applies for a review of a provisional decision—

- (a) the review body must complete the review within a reasonable time and may issue a recommendation upon completion of the review;
- (b) the OfS must reconsider its provisional decision having regard to any such recommendation and must issue a final decision within a reasonable time.

(5) The grounds on which the governing body may apply for a review are that the governing body—

- (a) presents a material factor for consideration which for good reason it had not previously drawn to the attention of the OfS;
- (b) considers that the OfS had disregarded a material factor which it should have considered; or
- (c) considers that the provisional decision is disproportionate in view of all the relevant facts which were considered by the OfS.

(6) The Secretary of State must appoint a person or a panel of persons to review provisional decisions.

(7) In doing so the Secretary of State must act in accordance with the principles set out in the Governance Code on Public Appointments issued by the Minister for the Cabinet Office in December 2016.

(8) The Secretary of State may pay remuneration and allowances to any person appointed under paragraph (6).