

Date

Name
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 3(1) of the Higher Education and Research Act 2017 requires the Office for Students (“the OfS”) to establish and maintain a register of English higher education providers. Section 3(2) of that Act provides that the register may be divided by the OfS into different parts representing different categories of registration. The OfS has decided to divide the register into two parts: ‘Approved’ and ‘Approved (fee cap)’.

Regulation 4 establishes that the OfS must ensure that the ongoing registration conditions of providers in the ‘Approved’ or ‘Approved (fee cap)’ part of the register include a transparency condition. This condition imposes a requirement to provide to the OfS, and publish, such information as may be required by the OfS in relation to the number of applications received for admission on to higher education courses, the number of offers made and accepted, and the number of students who complete their courses and attain a particular degree or other award. The OfS may request this information by reference to the gender, ethnicity and socio-economic background of the individuals concerned.

Regulation 5 establishes that the OfS may make grants, loans or other payments to providers in the ‘Approved (fee cap)’ part of the register.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen. However, the impact of the provision made by regulation 4 of this instrument was measured as part of the Higher Education and Research Act 2017 impact assessment which remains an accurate assessment and is available on the government website at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/668061/Enactment_IA_-_Final_-_BRANDED.pdf. Copies of the impact assessment may also be obtained from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

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