

Changes to legislation: Higher Education and Research Act 2017, Part 2 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4 **E+W**

ASSESSING HIGHER EDUCATION: DESIGNATED BODY

PART 2 **E+W**

OVERSIGHT BY THE OFS

Application

- 6 This Part applies if there is a body designated under this Schedule to perform the assessment functions.

Commencement Information

- I1** Sch. 4 para. 6 in force at 1.4.2018 by S.I. 2018/241, reg. 2(q)

Oversight arrangements

- 7 The OfS must make arrangements for holding the designated body to account for the performance of the assessment functions.

Commencement Information

- I2** Sch. 4 para. 7 in force at 1.1.2018 by S.I. 2017/1146, reg. 2(p)(ii)

Annual report by the designated body

- 8 (1) As soon as possible after the end of each annual reporting period, the designated body must prepare and send to the OfS a report about the performance of the assessment functions during the period.
- (2) “Annual reporting period”, in relation to a designated body, means—
- the period of 12 months beginning with the effective date, and
 - each successive period of 12 months.

Commencement Information

- I3** Sch. 4 para. 8 in force at 1.4.2018 by S.I. 2018/241, reg. 2(q)

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Triennial report by the OfS

- 9 (1) As soon as possible after the end of each triennial reporting period, the OfS must prepare and send to the Secretary of State a triennial report about—
- (a) how the designated body has performed the assessment functions during the period,
 - (b) whether the designated body should continue to be designated under this Schedule,
 - (c) the appropriateness of any fees charged by the designated body under section 28, and
 - (d) any other matters that the OfS considers relevant.
- (2) In preparing a triennial report, the OfS must have regard to any views provided to the OfS by a person listed in sub-paragraph (3) about—
- (a) the matters listed in sub-paragraph (1)(a) to (c), and
 - (b) what other matters, if any, should be dealt with in the report.
- (3) Those persons are—
- (a) registered higher education providers,
 - (b) persons representing, or promoting the interests of, students on higher education courses provided in England by registered higher education providers,
 - (c) persons representing, or promoting the interests of, employers of graduates, and
 - (d) such other persons as the OfS considers appropriate.
- (4) “Triennial reporting period”, in relation to a designated body, means—
- (a) the period of 3 years beginning with the effective date, and
 - (b) each successive period of 3 years.

Commencement Information

I4 [Sch. 4 para. 9](#) in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(q\)](#)

Power of the OfS to give directions

- 10 (1) The OfS may give the designated body general directions about the performance of any of the assessment functions.
- (2) In giving such directions, the OfS must have regard to the need to protect—
- (a) the expertise of the designated body, and
 - (b) the designated body's ability to make, or make arrangements for, an impartial assessment of the quality of, and the standards applied to, higher education provided by a provider.
- (3) Such directions must relate to—
- (a) English higher education providers or registered higher education providers generally, or
 - (b) a description of such providers.
- (4) The designated body must comply with any directions given under this paragraph.

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Commencement Information

I5 Sch. 4 para. 10 in force at 1.4.2018 by S.I. 2018/241, reg. 2(q)

Duty of the OfS to inform the Secretary of State about significant concerns

- 11 The OfS must inform the Secretary of State if it has significant concerns about—
- (a) how the designated body is performing the assessment functions, or
 - (b) the continued suitability of the designated body to carry out those functions.

Commencement Information

I6 Sch. 4 para. 11 in force at 1.4.2018 by S.I. 2018/241, reg. 2(q)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. A1 inserted by [2023 c. 16 s. 1](#)
- s. A4 and cross-heading inserted by [2023 c. 16 s. 2](#)
- s. A5A6 and cross-heading inserted by [2023 c. 16 s. 3](#)
- s. A7 and cross-heading inserted by [2023 c. 16 s. 4](#)
- s. 2(1)(aa)(ab) inserted by [2023 c. 16 s. 5\(1\)](#)
- s. 2(7A) inserted by [2023 c. 16 Sch. para. 2\(3\)](#)
- s. 8A inserted by [2023 c. 16 s. 6](#)
- s. 9(3A) inserted by [2022 c. 21 s. 16\(2\)](#)
- s. 10(3A) inserted by [2023 c. 40 s. 2\(2\)\(a\)](#)
- s. 10(6A) inserted by [2023 c. 40 s. 2\(2\)\(b\)](#)
- s. 10(7A) inserted by [2023 c. 40 s. 2\(2\)\(c\)](#)
- s. 10(7B)(7C) inserted by [2023 c. 40 s. 1\(2\)\(b\)](#)
- s. 11(1A)(1B) inserted by [2023 c. 40 s. 2\(3\)\(b\)](#)
- s. 11(2)(2A) substituted for s. 11(2) by [2023 c. 40 s. 2\(3\)\(c\)](#)
- s. 31(1)(1A) substituted for s. 31(1) by [2023 c. 40 s. 2\(4\)\(a\)](#)
- s. 31(2A)(2B) inserted by [2023 c. 40 s. 2\(4\)\(c\)](#)
- s. 31(4) inserted by [2023 c. 40 s. 4\(4\)\(e\)](#)
- s. 67B(3A) inserted by [2023 c. 16 Sch. para. 5\(3\)](#)
- s. 67C(3) inserted by [2023 c. 16 Sch. para. 6](#)
- s. 69A and cross-heading inserted by [2023 c. 16 s. 5\(2\)](#)
- s. 69C inserted by [2023 c. 16 s. 8\(1\)](#)
- s. 73(1A) inserted by [2023 c. 16 Sch. para. 7\(3\)](#)
- s. 73(4A) inserted by [2023 c. 16 Sch. para. 7\(6\)](#)
- s. 85(1A) inserted by [2022 c. 21 s. 16\(4\)\(b\)](#)
- s. 119(2)(ha)(hb) inserted by [2023 c. 40 s. 2\(6\)](#)
- Sch. 2 para. 5(4) inserted by [2023 c. 40 s. 2\(7\)](#)
- Sch. 2 para. 1-1I substituted for Sch. 2 para. 1 by [2023 c. 40 s. 1\(4\)](#)
- Sch. 6A inserted by [2023 c. 16 s. 8\(2\)](#)
- Sch. 7 para. 4(5) inserted by [2023 c. 16 Sch. para. 13\(6\)](#)