



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

##### *Financial sustainability*

#### **68 Duty to monitor and report on financial sustainability**

- (1) The OfS must monitor the financial sustainability of the following registered higher education providers—
  - (a) those who are funded wholly or partly by a grant, loan or other payment from the OfS under section 39 or 40 (financial support for providers),
  - (b) those who are not so funded but are eligible to receive such funding under section 39 or 40, and
  - (c) those who provide higher education courses which are designated for the purposes of section 22 of the Teaching and Higher Education Act 1998 (financial support for students) by or under regulations made under that section.
- (2) The OfS must include in its annual report a financial sustainability summary for the financial year to which the report relates.
- (3) “A financial sustainability summary” for a financial year is a summary of conclusions drawn by the OfS for that year, from its monitoring under subsection (1), regarding relevant patterns, trends or other matters which it has identified.
- (4) Patterns, trends or other matters are “relevant” if—
  - (a) they relate to the financial sustainability of some or all of the registered higher education providers monitored under subsection (1), and
  - (b) the OfS considers that they are appropriate to be brought to the attention of the Secretary of State.
- (5) In this section—

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*Status: This is the original version (as it was originally enacted).*

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“annual report” means the annual report under paragraph 13 of Schedule 1;  
“financial year” has the same meaning as in that Schedule (see paragraph 12(6)).