

Annex B: Comparison of current and proposed submission requirements

The consultation document sets out our proposals to make some changes to the OfS registration requirements. This annex summarises the changes we are proposing to the content of registration applications.

Table 7 below summarises the current registration application submission requirements set out in Regulatory advice 3, Annex C¹ and compares them with the proposed submission requirements which are set out in the proposed section 3(5) Notice at Annex A of this consultation document.

Table 7: Summary of current registration application submission requirements compared with the submission requirements proposed in this consultation

| Initial condition of registration | Current submission requirements | Proposed submission requirements | Reference to proposal in consultation document |
|-----------------------------------|---|--|---|
| Application form | <ul style="list-style-type: none">Complete all tabs on the application form downloaded from the portal | <ul style="list-style-type: none">No change | |
| Supplementary evidence | <ul style="list-style-type: none">If you state that you have permission to use the word 'university' or 'university college' in your business name under the provisions of the Companies Act, you will need to submit a letter of non-objection from the Department for Education (this also applies if you use the word 'university' in your trading name) | <ul style="list-style-type: none">No change | |
| General | | <p>A diagram showing the provider's corporate structure and ownership. The diagram should:</p> <p>Include all legal and beneficial owners of the provider (direct and indirect) including the ultimate beneficial owner, whether individuals or corporate entities</p> | Part 3: Proposal 2d (diagram showing corporate structure and ownership) |

¹ Please see Annex C of Regulatory advice 3 at [Regulatory advice 3: Registration of English higher education providers with the OfS - Office for Students](#)

| Initial condition of registration | Current submission requirements | Proposed submission requirements | Reference to proposal in consultation document |
|-----------------------------------|---|--|--|
| | | <p>Include any trusts with ownership interests (direct or indirect) in the provider together with an explanation of what ownership interests the trust has and the nature of the trust, including whether it is owned by any other legal or natural person and who its beneficiaries are</p> <p>Illustrate the provider's position alongside its parent and subsidiary undertakings (where it has these), as defined by the Companies Act 2006</p> <p>Include other entities that fall under a common parent undertaking to the provider applying to be registered</p> <p>Illustrate the relationship between all individuals and entities shown</p> | |
| General | | A completed 'Investigations declaration form' using the template provided by the OfS (Annex A, Appendix 4) | Part 3: Proposal 3 (historical and current investigations) |
| A1 | <ul style="list-style-type: none"> Access and participation plan Supporting information about fees, targets and investments | <ul style="list-style-type: none"> No change | |

| Initial condition of registration | Current submission requirements | Proposed submission requirements | Reference to proposal in consultation document |
|-----------------------------------|--|--|---|
| A2 | <ul style="list-style-type: none"> Access and participation statement and link to where this is published | <ul style="list-style-type: none"> No change | |
| B7 | <ul style="list-style-type: none"> Quality plan Supporting evidence Itemised list of supporting evidence | <ul style="list-style-type: none"> No change | |
| B8 | <ul style="list-style-type: none"> Provider information form Supporting information as requested once quality and standards assessment commences | <ul style="list-style-type: none"> No change | |
| B7/B8 proof of payment | | Proof of payment of the fee for the OfS quality and standards assessment within ten working days of request. | New requirement. If a provider does not pay for a quality and standards assessment (if it is referred for one) the OfS cannot proceed with its assessment and may therefore refuse registration |
| C1 | <ul style="list-style-type: none"> Self-assessment on guidance on consumer protection law Provider's student contracts | None (replaced by proposed initial condition C5) | |

| Initial condition of registration | Current submission requirements | Proposed submission requirements | Reference to proposal in consultation document |
|-----------------------------------|---|--|---|
| C3 | <ul style="list-style-type: none"> Student protection plan | None (replaced by proposed initial condition C5) | |
| C5 | N/A | <p>Template contract(s) that set out terms and conditions for the provision of higher education.</p> <p>Any template contracts (including terms and conditions) between a student and the provider for the following ancillary services or facilities (where the provider offers these and there is a separate contract that students are required to sign):</p> <p>Any policy (or policies) relating to the circumstances in which the provider may make changes to:</p> <p>Courses</p> <p>qualifications to be awarded</p> <p>modes of study</p> <p>teaching location and facilities</p> <p>Complaints process(es) related to the provision of higher education</p> <p>Any policy (or policies) that set out the terms for refund and compensation for higher education students</p> | <p>Part 1:</p> <p>Proposal 6 (treating students fairly)</p> |

| Initial condition of registration | Current submission requirements | Proposed submission requirements | Reference to proposal in consultation document |
|-----------------------------------|---|--|---|
| | | <p>A completed initial condition C5 declaration form (see Part 3, Annex A, Appendix 1)</p> <p>A completed initial condition C5 submission checklist (see Part 3, Annex A, Appendix 2)</p> | |
| D – all providers | <ul style="list-style-type: none"> Financial and student number tables Commentary to accompany financial tables | No change | |
| D – all providers | | <p>If financial support is being guaranteed to the provider by a third party, a legally binding obligation of financial support and audited financial statements from that third party that meets the requirements set out in paragraphs 403-407 of the OfS's regulatory framework²</p> | <p>This is a current requirement as set out in Regulatory advice 3 and 'Guidance for providers about financial information required for registration'</p> |
| D – all providers | | <p>Financial scenario planning, accompanying commentary and mitigating actions (in a template that will be provided by the OfS specifying the scenarios to be planned for subject to the outcomes of this consultation)</p> | <p>Part 3: Proposal 2a (financial scenario planning)</p> |

² See [Regulatory framework for higher education in England](#).

| Initial condition of registration | Current submission requirements | Proposed submission requirements | Reference to proposal in consultation document |
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| | | | |
| D – providers that have been providing higher education for more than three years) | <ul style="list-style-type: none"> Full audited financial statements for the three most recent years | <ul style="list-style-type: none"> Full audited financial statements for the three most recent years (no change) | |
| D – providers that have been providing higher education for fewer than three years) | <ul style="list-style-type: none"> Full audited financial statements for as many of the previous three full years as the provider has been providing higher education Business plan Information about financial backing where relevant | <ul style="list-style-type: none"> Full audited financial statements for as many of the previous three full years as the provider has been providing higher education (no change) <p>The requirement for a business plan would be replaced by the business plan in proposed initial condition E7</p> <ul style="list-style-type: none"> Information about financial backing replaced by clarified requirements relating to financial support provided by a third party (above) | Part 2: Proposal 3 (a clear and comprehensive business plan) |
| D – providers that have not delivered higher education in the past three years) | <ul style="list-style-type: none"> Business plan Information about financial backing where relevant | <ul style="list-style-type: none"> The requirement for a business plan would be replaced by the business plan in proposed initial condition E7 Information about financial backing replaced by clarified requirements relating to financial support provided by a third party (above) | Part 2: Proposal 3 (a clear and comprehensive business plan) |
| E1 and E2 | <ul style="list-style-type: none"> Self-assessment of management and governance | None (replaced by proposed initial condition E7) | |

| Initial condition of registration | Current submission requirements | Proposed submission requirements | Reference to proposal in consultation document |
|-----------------------------------|--|---|--|
| | <ul style="list-style-type: none"> • Governing documents and any other supporting evidence referred to in the self-assessment • Itemised list of each piece of evidence submitted in relation to E1 and E2 | | |
| Proposed E7 | | <p>The following documents which meet the definitions set out in initial condition E7A:</p> <p>All documents that establish the provider and set out the rules governing how the provider is constituted and governed.</p> <p>Governing body documents</p> <p>Risk and audit documents</p> <p>Decision-making documents</p> <p>Conflict of interests policy</p> | Part 2: Proposal 2 |

| Initial condition of registration | Current submission requirements | Proposed submission requirements | Reference to proposal in consultation document |
|-----------------------------------|---------------------------------|---|--|
| | | Any other documents (including shareholder agreements) which contain rules which govern the operation of the provider's governing body | |
| Proposed E7 | | A business plan that meets the requirements set out in proposed initial condition E7 | Part 2: Proposal 3 |
| Proposed E7 | | <p>Any policies and/or procedures that explain how the provider ensures individuals are fit and proper</p> <p>A declaration (in a template that will be provided by the OfS) stating whether the provider is aware of any indicative matters as listed in E7D.2 and E7D.4 of proposed initial condition E7 for any Relevant Individuals</p> <p>The full name, contact details (email address and phone number), date of birth (day/month/year) of each of the provider's Relevant Individuals</p> | Part 2: Proposal 5 |
| Proposed E7 | | A completed "Provider fraud and public funding declaration form" using the template provided by the OfS (Annex A, Appendix 3) | Part 2: Proposal 6 |

| Initial condition of registration | Current submission requirements | Proposed submission requirements | Reference to proposal in consultation document |
|-----------------------------------|---|----------------------------------|--|
| | <p>Any document(s) that identify risks and corresponding mitigations relating to the prevention of fraud and protection of public funds (for example a risk register or relevant excerpts from a risk register)</p> <p>Any document(s) that set out the provider's internal control processes relating to the prevention of fraud and protection of public funds</p> <p>A whistleblowing policy</p> <p>An anti-bribery policy</p> <p>Any other document(s) (including policies or procedures) that set out how the provider prevents fraud or the inappropriate use of public funds</p> | | |