

CONSULTATION RESPONSE

Office for Students consultation on the higher education regulatory framework

PART 1

1. Do you agree or disagree that these are the right risks for the OfS to prioritise?

We would agree with some of the initial risks outlined in the consultation document. However, we are seriously concerned by the lack of any priority attributed to the risk of affecting the overall reputation of the Higher Education Sector in the United Kingdom. We believe that new providers are by nature riskier and believe that there should be some acknowledgement of this from the OfS to ensure that the bar of quality is not lowered within the sector. The OfS will also need to guard against a "coasting" risk if it plays no specific role in supporting continuous improvement of individual providers.

The OfS should be giving some attention to the implications these proposals may have on the international reputation of UK Higher Education (UK HE), and the risk therein. Currently, UK Higher Education enjoys an exceptionally strong reputation across the globe for courses delivered in the UK and through transnational education (TNE). This is managed through the quality body and by the sector aligning itself to international benchmarks including the European Standards and Guidelines. It is important that any new arrangements for degree awarding-powers and university title are equally as robust and set at an appropriately high barrier to ensure that these do not jeopardise the reputation of UK HE.

2. Given all the levers at its disposal, including but not limited to access and participation plans, what else could the OfS be doing to improve access and participation and where else might it be appropriate to take a more risk-based approach?

MillionPlus believes the OfS should be taking on all that OfS currently does, in terms of analysis, target setting, agenda setting and work to improve outcomes further. Much still needs to be done in terms of access and participation that is not just about risk to the students who are participating. There is a risk to individuals missing out there is not the "step-change" in access that the Director for Fair Access has called for. This in turn creates a risk for the sector overall, for the government's social mobility and productivity agendas, and for society.

One of the specific registration conditions (B3) considers successful outcomes for students. In outlining how the OfS will assess providers in this regard, the proposals refer to non-continuation and non-completion rates and state that the assessment will "...consist of the actual performance of the provider over time rather than its performance when compared to a sector-adjusted benchmark. This approach is designed to ensure that a minimum absolute level of performance is used to determine whether a provider may be registered (taking into account the context of that provider), rather than a view of the provider's performance as compared to other providers."

Despite this proposal noting that individual provider contexts will be considered, there is a concern that the assessment of this condition will suggest a minimum threshold level of retention that providers will have to meet to enter and remain on the register. This concern is amplified by comments made by OfS officials designate that one of the future approaches will be to take a view on the risk that recruitment of certain students has on the ability, capacity and expertise of a provider to support them successfully.

Entering higher education is by its very nature a decision that contains risk. However, universities that have been the main agents in widening participation face being judged unfairly under this condition. In our view this is akin to saying that universities that recruit a more inclusive student population are riskier propositions than those where recruitment is an exclusive, highly selective practice. We strongly challenge this assumption and seek clarity from both the DfE and the OfS that this is not the implication of this particular registration condition.

3. Do you agree or disagree that a new Quality Review system should focus on securing outcomes for students to an expected standard, rather than focusing on how outcomes are achieved?

It is important to consider outcomes, as they are what students find meaningful. However, this should not come at the expense of ceasing to be interested in identifying, sharing and promoting good practice around the sector. Quality enhancement is something the OfS should be interested in – it should want to ensure the providers under its watch are motivated to continuously improve, and it should be seeking to support them using its knowledge of individual provider success.

As the OfS has been established to enable new providers to enter the market, with an assumption that these new providers will bring innovation, it seems only right that the OfS should be taking a view on what they do to achieve outcomes, rather than simply accept the outcomes. If these new providers do bring innovative approaches to higher education, surely the OfS has a duty to the wider student population to share that practice and encourage other providers to consider successful practices.

4. Would exploring alternative methods of assessment, including Grade Point Average (GPA), be something that the OfS should consider, alongside the work the sector is undertaking itself to agree sector-recognised standards?

It is right that the sector works to ensure that its standards are robust and maintain value. The government and the OfS have raised the issue of grade inflation, with an assessment of this being included in the TEF. However, it is not clear to us a) what grade inflation actually is, in the terms used by the government or by the OfS and b) that any measure of 'inappropriate' grade inflation has been proposed.

This makes it difficult for the sector to respond without concern that institutions that have invested heavily in the student experience will be penalised because this investment has corresponded with and contributed to an increase in attainment.

If alternative methods of assessment are to be explored, it should not be the role of the regulator to do so. Universities are autonomous organisations, with the right through degree awarding powers and university title to quality assure their curriculum and standards – which in turn are externally assured by the Quality Assurance Agency, and the subsequent designated quality body (DQB).

GPA in itself is not a form of assessment but any work on GPA would best be led by the sector and perhaps completed alongside the work on sector-recognised standards. This would be helpful in the UK-wide context because any move to adopt GPA widely in the English sector would inevitably lead to the need to examine this issue in the other nations in the UK. If the work is sector-led, representatives from Scotland, Wales and Northern Ireland can more easily be involved from the beginning.

As such, development of new methods and standards of assessment should be co-developed by the sector. Universities UK and GuildHE should be incorporated into the dialogue here, working either with the DQB or with the new sector agency established post-Bell Review from the merger of the Higher Education Academy, Equality Challenge Unit and Leadership Foundation. This would ensure that views of the entire UK sector are

taken into account so that unintended consequences (such as risks to the international reputation of UK HE) can be mitigated against.

A regulatory approach to new methods of assessment would appear to many as a step towards a national framework/curriculum being imposed on the sector. This would contradict sector autonomy and the OfS's own principle of focusing on outcomes not processes.

5. Do you agree or disagree that a student contracts condition should apply to providers in the Approved categories, to address the lack of consistency in providers' adherence to consumer protection law?

Providers are already obliged to provide certain levels of information to prospective providers as part of consumer protection law. In this respect, providers fall under the regulatory jurisdiction of the Competition and Markets Authority (CMA), and can have claims investigated by the Advertising Standards Authority. Students are also protected in statute by the Office of the Independent Adjudicator.

In light of these three methods of oversight, and the OfS's stated commitment to focus on outcomes rather than processes and to reduce burden it seems unnecessary to introduce a fourth method of oversight. Any providers that fail to adhere to consumer protection law will be required to answer to the CMA – an additional registration condition could be considered excessive.

6. What more could the OfS do to ensure students receive value for money?

The debate about value for money has too often focused on a crude notion of the sticker price of tuition fees – now at £9,250 for full time undergraduate courses. This fee level was set by government at £9,000 for students enrolling in higher education from September 2012 as part of its reforms on fees and funding. This was accompanied by a removal of direct grant funding from universities, leading them to raise fees in order to maintain the level of investment in the student experience. Although this fee was raised for the 17/18 entry year, for the previous five years, it was frozen and was accompanied by reductions in capital grants to universities.

This means that universities have been required to use this income to invest in and support a wide-range of university functions and activities. These include access agreements (a statutory requirement for all universities that wish to charge fees in excess of the lower fee cap); academic, professional, technical and support staff costs directly associated with teaching activity; wider costs of administrative and corporate functions; recruitment and admissions activities; quality assurance; compliance with regulatory and data regimes required by professional and higher education sector bodies; course development and validation; student welfare and support services including hardship funds and partnership work with employers, schools, colleges and other stakeholders.

It is highly misleading to suggest that tuition fees should, or could, only take account of the costs of teaching a particular course and/or be linked with narrow constructs such as contact hours. Such a simplistic approach ignores the wide range of educational and associated activities in which universities engage and the impact on university business models of the significant changes in teaching funding and student support regimes introduced since 2012.

The OfS should take a leading role in fully explaining the fees and funding system to ensure that students, businesses and the wider public understand how universities invest in teaching and research, and the role that investment plays. Policy debates that only focus on the headline fee lead to misunderstandings about value for money, and ignore the wider contribution higher education plays in society. A point that highlights this is that value for money is considered poorer at English universities than, for example in Scottish universities, despite the fact that overall the former have higher levels of investment. This is likely to be a

perception caused by having a higher, visible 'sticker' prices, whereas in Scotland students do not contribute a fee.

The OfS should play a role in articulating the wider benefits of higher education to society, and avoid focusing only on the salary benefits to the individual. This is necessary to ensure that the debate is not limited and narrow, but instead highlights the various valuable contributions of higher education.

7. Do you agree or disagree that a registration condition on senior staff remuneration should apply to providers in the Approved categories? Are there any particular areas on which you think should the OfS should focus when highlighting good practice?

Students should have the right to information about all providers, not just to those considered 'public' organisations that may elect to remain in the Registered Basic category.

If there is to be a registration condition on senior staff remuneration, we would expect it to be applied to all providers, not just those in the Approved categories. Even for-profit providers in the Registered Basic category are benefiting from the public regulatory system and the reputation of the HE sector more generally. Therefore, we believe that there is public interest in them having a transparent salary policy, in much the same way private companies do. As it stands, salary levels of established higher education providers are already published in annual reports and media-compiled league tables.

Any condition of this sort should be restricted to governance procedures and remuneration policies. It should not be about identifying individuals, nor should it be used by the OfS to interfere in legitimate decisions taken by autonomous, independent institutions.

8. What are your views on the potential equality impacts of the proposals that are set out in this consultation? Please provide any relevant evidence if you can as this will support future policy development.

PART 2

9. Do you agree or disagree that participation in the TEF should be a general condition for providers in the Approved categories with 500 or more students?

The TEF was introduced on the assumption that it would be a voluntary exercise, and no judgement would be cast on any individual provider that decided not to submit to the assessment. We believe this should remain the case.

The TEF is still in development. The DfE published the criteria for the year 3 specification in October 2017, which implemented some changes to the year 2 specification. There is also a pilot being conducted into assessing at subject level. Finally, the TEF is subject to an independent review in 2018/19 that will take a view on whether it is fit for purpose and in the public interest. Given this level of examination, the TEF should remain voluntary.

10. Do you agree or disagree with the proposed ongoing general registration condition requiring the publication of information on student transfer arrangements? How might the OfS best facilitate, encourage or promote the provision of student transfer arrangements?

We would reiterate the point that many students do not have the option to transfer, despite their academic credentials. This is often due to the fact that they have chosen a specific course where no relevant alternative is on offer. Moreover, many students have no choice but to study at a local university due to their own personal, financial or work-related commitments. Part-time and mature students are disproportionately more

likely to fall into this category. This means that their ability to “shop around” through a transfer is highly limited, if at all existent.

The rationale behind the promotion of transfer arrangements is understood to be based on a desire to encourage more of a market between providers, in which students can “trade-up” and move around depending on choice and desire. This will in turn increase competition amongst providers raising the quality of provision for students. As explained above, this logic is somewhat flawed, as a considerable number of students do not fit these market conditions. We appreciate that this approach is an attempt to improve the sector for students. However, if this approach neglects the circumstances of certain sections of the student population, we question how equally benefits will be shared amongst students.

It is important that students are given clear information about how they transfer to a different provider should that be the best option for them. However, we believe that the issue is less a lack of clear information and more about the inflexibility of the system more generally. Students are required to state final intentions from the beginning of their course, and to register as either part-time or full-time with institutions then held to account should these intentions change.

The ability for students to change modes from full to part time, or back again, over the period of their course, is restricted. The funding system means that students essentially must register for a full year of study from the outside, and borrow a tuition fee loan to this effect.

Institutions also have varying rules about accepting credit from other institutions. This can make it difficult for students to transfer without ‘losing’ their previous study. An unintended consequence of this is that in some cases it can feel easier to withdraw altogether since it becomes very difficult for students to feel confident in transferring after a year of study.

A more flexible system, in terms of both credit recognised nationally, and tuition fee loans for credit rather than time studied, may give students more power to manage their course in ways that suit their individual lifestyles. In turn, this may reduce the need to transfer.

11. Do you agree or disagree with the proposed approach to sector level regulation in chapter 2?

MillionPlus has long argued that if the Office for Students is going to employ an approach that is “risk-based” across the sector, it should devote the appropriate level of resources to assessing the risk of new providers. Newer providers are more likely to show signs of precarity or inconsistency at least in the earlier years of their provision. We would predict that this will require a greater level of oversight and regulatory effort from the OfS. We have some concern that this is not fully accounted for in the approach to sector regulation outlined in chapter 2.

MillionPlus is not opposed to the OfS establishing a “light-touch” method of regulation in principle. However, if the OfS is to open up the market to quality new providers, that is to say loosen conditions or remove obstacles of entry, it follows that extra rigour may be needed to oversee said market. It seems logical that if it becomes easier to enter the market, the scrutiny placed upon those operating in the market should be maintained, if not heightened.

We also have concern that the needs and circumstances of certain students have not been fully considered, particularly in reference to how the OfS has been conceptualised as a “market regulator” in this chapter. We refer here to our answer to question number 10 in relation to the idea that the OfS will rely on market mechanisms to drive continuous improvement amongst providers. This represents a significant departure from the role of various bodies in the sector who have all taken a more active role in encouraging the continuous development of providers. As explained in our answer to question 10, it is impossible to create

perfect market conditions for all students and all institutions. As a result, MillionPlus does not believe that the OfS should rely solely on market conditions to drive continuous improvement. We believe that the OfS has more of a role to play here in directly encouraging continuous improvement across the sector, without impinging on the influence of competition within the sector.

It is also important that the regulation is sufficient to protect the reputation of UK HE. This includes appropriate regulation of transnational education (TNE) activity, which host countries expect to be done by authorities in the provider's base country, and appropriately robust arrangements. The quality assurance of TNE is undertaken by QAA on a UK-wide basis, to maintain the international reputation of UK higher education. It is, therefore, appropriate that the UK-wide sector should continue to collectively own and oversee the quality assurance of TNE in future. With regards to the reputation of quality in the sector, UK HE tends to be seen by international audiences as one homogenous entity, rather than as separate systems for the devolved nations. Consequently, institutions in the UK outside of England also have a strong interest in the progress of this regulatory framework.

As such, the OfS should ensure strong relationships, and potentially formal working arrangements on particular issues with the funders and quality agencies in Scotland, Wales and Northern Ireland.

PART 3

12. If you are a provider, can you provide an indication of which category you would apply for (under these proposals) and why?

13. The initial conditions should provide reassurance that providers will meet the general ongoing conditions without creating unnecessary barriers to entry. Given this, are the initial conditions appropriate?

MillionPlus has had long-standing objections to the proposal to lower entry criteria and enable new providers to register with no track record of higher education and receive degree-awarding powers on a provisional basis, and be conferred with university title without any requirement to demonstrate a significant track record of success.

The OfS proposals state that the new criteria established for conferring title is stronger than previously cited in relation to the requirement for the provider to have indefinite rather than provisional degree awarding powers. However, this criterion has been created as part of the reforms – the government is enabling the acquisition of provisional degree awarding powers, which do not currently exist, and so has found it necessary to apply the need for providers to have indefinite degree awarding powers. This is a case of the government creating a problem for which it then must create a solution.

The overriding concern is that the OfS is lowering the criteria for entry for new providers, then not playing a role in fully monitoring the quality of higher education in those providers (instead focusing only on outcomes). This creates a great deal of risk rather than introducing innovation, and leaves students vulnerable to 'experiments' in the interest of an overwhelming desire by the government and the OfS to promote competition over all other aspects of the system. The cost of failure of these experiments on students is extremely significant. University is usually a one-time option for most students. If they enrol in one of these new providers, who have had to meet lower standards of entry and then fail to proceed through the system, those students will have a worthless degree. The implications of this policy make it appear that the OfS is acting in the interests of new private providers and operating an ideological approach to promoting competition in the short-term, rather than focusing on what is in the best interests of students and graduates in the long-term.

It is important that the initial conditions are sufficiently rigorous to ensure that the reputation of UK HE is protected. This does not mean there should be no new entrants, but new entrants must not threaten the international reputation of UK HE. The reputation of HE in the UK does tend to be seen homogenously by international audiences, rather than separately for the devolved nations and therefore institutions in the UK outside of England have a strong interest in this.

As such, the OfS should ensure strong relationships, and potentially formal working arrangements on particular issues with the funders and quality agencies in Scotland, Wales and Northern Ireland.

14. Do you agree or disagree with the proposed lists of public interest principles in the Guidance, and who they apply to?

As we have noted at other points in our responses, we believe that as far as is possible, all higher education providers should be subject to the same rules and regulations. There will be some divergence from some of the regulations based on a provider's registration status, but in an area, such as public interest principles, it is difficult to see any case for exempting any providers from complying with these principles.

We would urge caution on the principle of freedom of speech. Not because we disagree with it, but because this is covered by the Education Act 1986. It is unclear why the OfS will need additional powers in this area, given the obligations already placed upon higher education providers. Certainly, we see value in extending the Act to new providers, and ensuring they are held to the same obligations as established providers, but we oppose the OfS having powers to compel higher education institutions to, for example, hold or cancel events, or interfere in legal activities by autonomous institutions.

We would also urge caution on the principle regarding value for money. Again, this is not because we disagree, but one interpretation that could be made of this condition is that OfS would be able to interfere in the remuneration decisions of autonomous providers. We do not believe it is appropriate for the OfS to have this power, particularly given that there are registration conditions that cover this area adequately. As noted in the response to question 6, the OfS should play a larger role in articulating the principle of the wider public benefits of higher education.

15. Do you agree or disagree with the proposed approach on the application of conditions for providers wishing to seek a Tier 4 licence?

MillionPlus supports the principle that those providers looking to apply for a Tier 4 licence should be in the approved categories. We would encourage an approach from both the Home Office and the OfS that maintains the same expectations from all providers, new and old. The scrutiny or investigation from either of the aforementioned bodies with regard to international students and compliance should be consistent across all providers to create a level playing field. If certain providers were to be subject to a disproportionate level of attention from the OfS in relation to this, without any evidence base of increased risk, it could be seen as undermining the principles of fair competition that the OfS is seeking to establish.

The granting of Tier 4 licences is the responsibility of the Home Office, and is a UK-wide policy. The OfS needs to give careful consideration to the impact of this policy on higher education in Scotland, Wales and Northern Ireland. There is a risk that new approaches in England have unintended consequences in other parts of the UK.

16. Do you agree or disagree that paragraph 7 and 8 should be removed from Schedule 2 of the Education (Student Support) Regulations 2011, which lists the types of courses that allow with access to the student support system? If you disagree, are you aware of any courses dependent on these provisions to be eligible for support?

Paragraphs 7 and 8 are ambiguous and somewhat confusing as it is not clear what they intend to cover. For the sake of clarity, MillionPlus would support these paragraphs being removed.

17. Do you agree or disagree with the proposed approach for the benefits available to providers in the different registration categories?

Different categories of registration allow for providers to have different levels of access to funding, and different rights regarding things like awarding powers. This seems appropriate. However, all providers will benefit from the reputation of the UK HE sector so it is important that every provider is expected to contribute positively to that reputation. The OfS should ensure that no provider is unfairly gaining the reputational benefits of membership of the UK HE sector.

18. Do you agree or disagree with the general ongoing registration conditions proposed for each category of provider (see the Guidance for further detail)?

We would need more clarity on how the ongoing regulations conditions will be managed and assessed in the long term to take a final view on this. We have specific concerns with some of the conditions, which we have noted elsewhere in our response to this consultation.

19. Do you agree or disagree with the proposed approach to risk assessment and monitoring?

It is stated, using the model of the "Prudential Regulation Authority" as a comparison, that the OfS will attempt to create a "forward looking" approach to risk-assessment. MillionPlus has some concern that little or no consideration is given to track record under this proposed model. Such a consideration would be applicable to all those that register as providers.

As a result, a track record would not need to be a pre-requisite for a provider being defined as "low-risk" upon their initial registration, ensuring that new providers are not put at a disadvantage. However, it is advisable that for providers with a proven record of compliance and high-quality provision, some consideration should be given to their institutional history.

An evidence-based approach for existing providers not only enhances the accuracy of the risk-assessment, but is also likely to save the OfS regulatory effort and resource in the future. This is why MillionPlus believes that track record can be incorporated into the initial risk assessments of existing providers when they are applying for registration.

MillionPlus also has real concern with some of the proposed metrics used to assess risk. We would challenge the use of non-progression and non-completion rates. Many modern universities are inherently "local" institutions that have grown to respond to the needs of their surrounding city or region. Widening participation and access is at the very core of these institutions, and as part of this they often recruit students who may pose a greater "risk" in this regard. This may have unintended impacts with regards to records of retention and non-progression. Despite this, it remains necessary for some institutions to "take chances" on some students in order to maintain this level of commitment to the widening access within their local communities. It would therefore seem unfair to punish such institutions for being ambitious in this regard, and run contrary to the principles of access and participation that can be found elsewhere in the regulatory framework.

We would also challenge the use of the qualifications profile of students on entry as a suitable metric for all institutions. Research has shown that for those students who fall within the higher end of UCAS points scale i.e. those meeting the high or medium tariff requirements of certain institutions, a correlation can be found between the number of UCAS points and the likelihood of retention or academic attainment. However, for

students under a certain threshold of UCAS points, meaning those looking to apply for lower tariff courses or institutions, no such correlation exists.

As a result, it would seem unwise to make a risk-assessment based on these metrics without acknowledging these factors. It is implied that the “risk” of providers with regards to access and participation will also be considered in coordination with the list of lead indicators that have been proposed (page 104/105). However, it remains unclear how this will function in practice. We would like to have some more clarity as to what extent the access and participation plans will condition risk-assessment elsewhere.

20. Do you agree or disagree with the proposed approach on interventions (including sanctions) and do you agree or disagree with the proposed factors the OfS should take into account when considering whether to intervene and what intervention action to take?

In light of our concerns about the potential for condition B3 to result in absolute minimum thresholds without context for retention and non-completion, it is troubling that the two examples offered here refer to providers recruiting inclusive populations being penalised for failure to comply with conditions. This does not provide us with confidence that the OfS will be acting fairly in this area, and looks to encourage providers to ‘de-risk’ their recruitment practices. Currently the way this set of interventions are described, and the way the condition is explained could lead to fewer opportunities for students from less disadvantaged backgrounds to access higher education. This would be against the interests of those individuals, and of society more generally.

21. Do you agree or disagree with the proposed approach the OfS will take to regulating providers not solely based in England?

It is a welcome addition that existing arrangements continue for English domiciled students who choose to study in Scotland, Wales or Northern Ireland continue to be able to access student support, and that England recognises the Scottish Government’s regulation of Scottish providers (funded by SFC).

PART 4

22. Do you agree or disagree with what additional information is proposed that the OfS publishes on the OfS Register?

We believe that information that is helpful to prospective students and to graduates should be published on the OfS Register. We believe that this should apply to all providers, regardless of registration category.

23. Do you agree or disagree with the principles proposed for how the OfS will engage with other bodies?

Elements of the quality system are common across the UK. It is imperative that OfS works with funding bodies and others across the devolved administrations on areas where there is a common interest/presently a shared system (for example, Unistats, the National Student Survey, the UK Quality Code, and the UK HE performance indicators).

It would be helpful for the OfS to elaborate further here on the working relationships it envisages with its counterparts in Scotland, Wales and Northern Ireland to promote collaboration and coherence across the UK.

24. Do you have any comments on the proposed exercise of OfS functions in relation to validation, in particular in relation to ensuring that the validation service is underpinned by the necessary expertise and operates in a way that prevents or effectively mitigates conflicts of interest?

We continue to oppose the power being granted to the OfS to validate degrees. We believe that a lack of validation partner is a comment on the quality of provision in the provider seeking validation, rather than a reflection of market barriers. We also believe that the proposals suggested by OfS in this area would impinge on institutional autonomy, in seeking to compel and model certain validation services. This is in contradiction to statements elsewhere that the OfS is focused on outcomes, not processes.

This approach would also seem to us to be out of scope of a regulator. For example, Ofgem does not provide electricity to consumers, Ofcom doesn't broadcast, the Office for Rail Regulation does not run trains. Instead, these regulators remain outside of the sectors they regulate in order to be able to take an overarching view of the activities for organisation for which they are responsible. This proposal confuses the role of OfS, which is likely to make it harder for it to be successful.

We question whether, in light of how validation currently works, the OfS would have the skills or credibility to carry out this function. A validating provider is one that already has degree awarding powers and university title, experience in running higher education courses and safeguarding quality assurance. The expertise and credibility in these areas is what prompts other higher education providers to seek validation. It is a way to assure potential students that there is value in a degree or other course. It is not clear to us that a degree granted in the name of the OfS would carry cachet among students, employers or society.

There is potential for conflict within OfS if it is seeking to be a validator and a regulator. The experiences of HEFCE in the 1990s when it managed quality assurance but separated it out leading to the creation of the QAA shows that it is extremely difficult to manage two competing functions. The proposals to allow the OfS to validate degrees is likely to lead to similar difficulties.

25. Does the information provided offer a sufficiently clear explanation of how a provider will apply for registration in the transitional period and what the consequences of registration are in this period?

The timeline and process are clear. However, what is not clear is how OfS will manage this as an institution, given that only 3 months approximately has been set aside for this work, and begins only a few days after the OfS takes over the functions of regulation from HEFCE. We are concerned that there will be delays in managing the initial registration process because of the potential inexperience of OfS staff and inevitably teething issues as per any new organisation. We would appreciate a greater level of assurance from OfS as soon as possible about how this will work in practice.

We are also unclear about how regulation and oversight will take place between September 2018 and August 2019. During this time providers will be obliged to comply with the existing regulations while also being mindful of the requirements of the new regulations. We would like more assurance from OfS about how it will manage oversight in this interim period.

ANNEX C

26. Do you have any comments on the above proposal of how the OfS will act as the principal regulator for exempt charities?

27. Provided that the Secretary of State considers OfS regulation is sufficient for these purposes, should exempt charity status apply to a wider group of charitable higher education providers? In particular, considering that providers in the Approved categories will be subject to conditions relating to Financial Sustainability, Management and Governance, and the provision of information (as set out in the Guidance), do you have any views on whether the OfS's proposed regulation of providers in these categories would be sufficient for the purposes of it carrying out the functions of Principal Regulator?

As far as is practical and possible, we believe that higher education providers on the OfS Register should be regulated equally.