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Other amendments to the regulatory framework

The Office for Students (OfS) published new initial conditions of registration C5, E7, E8 and E9, along with other changes to the OfS's registration requirements on 21 August 2025.¹

In our consultation on these changes, we signalled our intention to make consequential amendments to the guidance in the regulatory framework (version published in November 2024²) to reflect final decisions on these changes. This document sets out these consequential amendments.

In addition, the document (see page 4) contains a minor addition to text in the regulatory framework to provide clarity on the interaction between the business plans required under new condition E7 and the reference to business plans under condition D guidance (in paragraph 415 of the regulatory framework). This clarifies that, to avoid unnecessary regulatory burden, where a provider submits a business plan under condition E7, the OfS is unlikely to request a separate business plan pursuant to paragraph 415. It also clarifies that, where relevant, the OfS may consider information from the provider's condition E7 business plan within the context of condition D.

The amendments in this document form part of the regulatory framework and therefore constitute material published by the OfS under section 75 of the Higher Education and Research Act 2017. The amendments should be read in conjunction with the whole regulatory framework.

The guidance set out in the regulatory framework is amended as follows:

a. Guidance on removing barriers to entry and minimising regulatory burden

Amend paragraph 41a to read as follows (new wording underlined and removed wording struck out):

"a. Recognition of the diversity of the sector

A diverse sector supports student choice. The conditions of registration are explicitly tailored to a diverse set of providers, by focusing on the outcomes a provider is expected to achieve, rather than determining how this should be done. Providers are free to determine their individual mission, strategy and approach. For example, ~~the condition E2 ongoing management and governance condition~~ requires a provider's governance arrangements to be appropriate for its size, complexity and legal form."

¹ see [Reforms to OfS registration requirements - Office for Students](#)

² see [Regulatory framework for higher education in England - Office for Students](#)

b. Guidance on providers not incorporated in England

Amend paragraph 86b to read as follows (new wording underlined):

“b. Whether the feasibility of the provider’s student protection plan (under condition C3) is affected, for instance where funds are held overseas.”

c. Guidance on registration process

Amend paragraph 99 to read as follows (new wording underlined and removed wording struck out):

“99. Under section 3(5) of HERA the OfS has the power to set requirements for registration applications. A provider seeking registration with the OfS must make a correct application that contains all the required information meets the requirements for registration applications. This means that an application must be in the manner and form set out in, and contain all the information required by, any notice made under section 3(5) of HERA that applies to the provider, including the application requirements notice made under section 3(5) of HERA and published on 21 August 2025 ('Regulatory notice 7: Application requirements notice'). The OfS has published guidance on the registration process: that sets out the information about a provider that it requires to be submitted in an application ~~'Regulatory Advice 2: Registration of current providers for 2019-20', and 'Regulatory Advice 3: How to register with the Office for Students Registration of new providers for 2019-20'.~~”

Amend paragraph 100 to read as follows (new wording underlined and removed wording struck out):

“100. With its application, a provider is required to submit evidence that demonstrates that it satisfies the initial conditions of registration that are applicable to the registration category for which it is applying. The OfS will also be entitled to use other evidence that is available to it in assessing the application. ~~The full evidence requirements for current providers seeking registration during 2018 are set out in guidance published in 'Regulatory Advice 2: Registration of current providers for 2019-20'~~ The full evidence requirements for new providers seeking registration from 2018 are set out in guidance here 'Regulatory Advice 3: Registration of new providers for 2019-20' ~~a notice made under section 3(5) of HERA and published on 21 August 2025 'Regulatory notice 7: Application requirements notice'.~~”

d. Guidance on assessment and risk assessment

Amend paragraph 107 to read as follows (new wording underlined):

“107. When the OfS has determined that a provider has made a compliant application, is eligible for registration and that it satisfies the initial conditions of registration, the OfS will determine which general and specific ongoing conditions should apply to that provider. It will do this in accordance with the requirements of the registration category in which the provider will be registered and on the basis of its risk assessment.”

e. Guidance on representations when the OfS intends to refuse registration

Amend paragraph 111 to read as follows (new wording underlined):

“111. If a provider fails to meet the registration requirements, it may reapply to the OfS for registration once it has taken action to address any areas of non-compliance. However, a provider applying for registration on or after 1 January 2026 may be subject to a 12 month re-submission restriction, as detailed in the notice made under section 3(5) of HERA and published 21 August 2025 ‘Regulatory notice 7: Application requirements notice’ (see also ‘Regulatory Advice 3: How to register with the Office for Students’).”

f. Guidance on deregistration

Amend paragraph 192 to read as follows (new wording underlined):

“192. If a provider is deregistered, or suspended from the Register to the extent that students cannot complete their courses, the provider’s student protection plan (if required under condition C3) would be triggered.”

g. Guidance on degree awarding powers (DAPs)

Amend paragraph 230 to read as follows (new wording underlined):

“230. A registered provider must have in place a student protection plan that has been agreed with the OfS (where such a plan is required under condition C3). As part of its application for New DAPs, such a provider must update and resubmit its student protection plan. This is to mitigate the risk to students that the provider’s New DAPs authorisation may be revoked or not extended beyond the initial three-year authorization.”

Amend paragraph 231d to read as follows (new wording underlined):

“d. Has in place a suitable student protection plan (where such a plan is required under condition C3), agreed by the OfS.”

Amend paragraph 245c to read as follows (new wording underlined):

“c. That the provider does not meet the DAPs criteria, and is unlikely to do so within the next 12 months. In such cases the OfS will either revoke the New DAPs order, or allow the order to expire, and require the provider to implement the provisions of its student protection plan (where such a plan is required under condition C3).”

h. New initial conditions C5, E7, E8 and E9

Add the following conditions and associated guidance to the Regulatory Framework (in sequential order):

Condition C5: Treating students fairly

Condition E7: A set of governing documents and business plans

Initial condition of registration E8: Fraud and inappropriate use of public funds

Condition E9: Individuals

i. Guidance on Conditions C1 and C3

Add the following footnote to Condition C1 guidance summary (page 141) after “**Initial or general ongoing condition:** initial and ongoing condition”:

“Note that this condition applies as an ongoing condition only to any provider that makes an application for registration on or after 28 August 2025 (if it is successfully registered on the basis of that application): see Notice of determination of initial and general ongoing conditions of registration. The condition guidance should therefore be read accordingly.”

j. Guidance on Condition D

Add the following footnote to paragraph 414 of the Condition D guidance after “The evidence²² that the OfS would normally require is:”

“Note that for providers that make an application for registration on or after 28 August 2025, see also the information requirements contained in ‘Regulatory notice 7: Application requirements notice’ and ‘Regulatory Advice 3: How to register with the Office for Students’.”

Add the following footnote to paragraph 415 of the Condition D guidance after “The provider’s business plan (in particular where the provider is financially weak or new to the market, with no or only a short track record of operations and/or delivery of higher education), including robust and well evidenced forecasts and assumptions”:

“Note that for providers that make an application for registration on or after 28 August 2025, a separate business plan is required by initial condition E7. This is a distinct requirement. Where a provider submits a business plan under condition E7, it will unlikely be asked to also provide a separate business plan under paragraph 415. Note that, where relevant, the OfS may consider information from the provider’s condition E7 business plan within the context of condition D.”

k. Guidance on Conditions E1 and E2

Add the following footnote to Condition E1 guidance summary (page 162) after “**Initial or general ongoing condition:** initial and ongoing condition”:

“Note that this condition applies as an ongoing condition only to any provider that makes an application for registration on or after 28 August 2025 (if it is successfully registered on the basis of that application): see Notice of determination of initial and general ongoing conditions of registration. The condition guidance should therefore be read accordingly.”

Add the following footnote to Condition E2 guidance summary (page 164) after “**Initial or general ongoing condition:** initial and ongoing condition”:

“Note that this condition applies as an ongoing condition only to any provider that makes an application for registration on or after 28 August 2025 (if it is successfully registered on the basis of that application): see Notice of determination of initial and general ongoing conditions of registration. The condition guidance should therefore be read accordingly.”

I. Annex A: Initial and general ongoing conditions of registration

Amend name of columns 1 and 2 in the table at 'Annex A: Initial and general ongoing conditions of registration' as follows (new wording underlined and removed wording struck out):

"Initial and General ongoing conditions of registration"

Add the following rows to the table at 'Annex A: Initial and general ongoing conditions of registration' (new wording underlined):

<u>Condition C5</u>	<p><u>The provider must, if</u> <u>Initial</u></p> <p><u>registered, treat each</u></p> <p><u>student fairly in</u></p> <p><u>relation to any</u></p> <p><u>activities that are</u></p> <p><u>connected with the</u></p> <p><u>provision of higher</u></p> <p><u>education and/or</u></p> <p><u>ancillary services.</u></p> <p><u>The provider will be</u></p> <p><u>deemed not to satisfy</u></p> <p><u>this requirement if, in</u></p> <p><u>the reasonable</u></p> <p><u>opinion of the OfS:</u></p> <p><u>i. its actions or</u></p> <p><u>omissions fall within</u></p> <p><u>one or more of the</u></p> <p><u>descriptions in the</u></p> <p><u>prohibited behaviours</u></p> <p><u>list;</u></p> <p><u>ii. its actions or</u></p> <p><u>omissions give rise to</u></p> <p><u>a likelihood of</u></p> <p><u>detriment or actual</u></p> <p><u>detriment to the</u></p> <p><u>student;</u></p> <p><u>iii. it has been subject</u></p> <p><u>to certain adverse</u></p> <p><u>findings.</u></p>	<u>Initial</u>	<u>✓</u>	<u>✓</u>
<u>Condition E7</u>	<p><u>The provider must</u> <u>Initial</u></p> <p><u>have a set of</u></p> <p><u>documents which will</u></p> <p><u>enable the effective</u></p> <p><u>governance of the</u></p> <p><u>provider in practice.</u></p> <p><u>The provider must</u></p> <p><u>have a business plan</u></p> <p><u>which:</u></p> <p><u>i. meets</u></p> <p><u>relevant</u></p> <p><u>requirements;</u></p>	<u>Initial</u>	<u>✓</u>	<u>✓</u>

- and
- ii. covers the provider's planned activities over a five-year period, including the provider's current financial year and the four years which follow.

The provider must have, in the OfS's judgement, the ability to deliver the business plan in practice.

The provider's business plan must demonstrate that the provider has given significant consideration to the interests of students in the formation of its business plan.

The provider's business plan must include a description of information listed in E7.8.

Condition E8

The provider must have in place comprehensive arrangements in relation to the higher education it plans to provide if registered (including, but not limited to, processes, policies, training and the deployment of staff and financial resources) that could reasonably be considered as being adequate and

Initial

✓

✓

effective for the purposes of detecting, preventing and stopping any form of conduct (including a failure to act) that could potentially amount to a relevant fraud offence or the inappropriate use of relevant public funds.

The provider must have a satisfactory track record in relation to receiving and/or accessing public funds.

Condition E9

The provider must have key individuals who have sufficient knowledge and expertise to facilitate the provider to:

Initial

✓

✓

- i. comply with the ongoing conditions of registration applicable to it (if registered);
- ii. deliver, in practice, the provider's business plan; and
- iii. deliver, in practice, the provider's fraud and public money arrangements.

Relevant individuals at the provider must, in the OfS's judgement, be fit and proper persons for the purposes of ensuring that:

- i. the provider is

suitable to
access and
receive public
funds:

- ii. public trust
and
confidence in
the higher
education
sector is
maintained;
and
- iii. the provider is
suitable to
protect the
interests of
students.

m. Glossary

Amend the definition of 'Fit and proper person' to read as follows (new wording underlined):

"Fit and proper person (for the purposes of the Public Interest Governance Principle IX: Fit and proper only)"

A fit and proper person: (a) is of good character, (b) has the qualifications, competence, skills and experience which are necessary for their role (c) is able by reason of their health, after reasonable adjustments are made, to perform properly the tasks of the office or position for which they are appointed and (d) has not been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in their employment or in the conduct of any entity with which they are or have been associated."

Amend the definition of 'Governing documents' to read as follows (new wording underlined):

"Governing documents (for the purposes of Conditions E1 and E2)"

Documents adopted, or that should have been adopted, by the provider that describe any of the provider's objectives or values, its powers, who has a role in decision making within the provider, how the provider takes decisions about how to exercise its functions or how it monitors their exercise. This test will be broadly rather than narrowly applied. Where a document in part deals with any such matters, and in part with other matters, the whole of the document is a 'governing document'."

Amend the definition of 'Student protection plan' to read as follows (new wording underlined):

"Student protection plan (for the purpose of Condition C3)"

A plan outlining the actions a provider will take to minimise the impact of any risks to its students' continuation of study. The plan includes examples of events that might trigger action by the provider, such as the closure of a course, campus or location, the discontinuation of a discipline or market exit. This document must be approved by the OfS, and be readily available to current and potential students."