

## **Annex R: Guidance for providers on interviews with key individuals**

1. This annex contains detailed information about the interviews we will conduct with key individuals (see paragraph 9) to assess Part 1 of initial condition E9, and to contribute to our assessment of E7.
2. Condition E9.1 requires a higher education provider to have key individuals with sufficient knowledge and expertise to facilitate the provider to comply with ongoing conditions of registration applicable to it (if registered); to deliver, in practice, the provider's business plan; and to deliver, in practice, the provider's fraud and public money arrangements.
3. Part 1 of condition E7 requires that a provider must have a set of documents that will enable the effective governance of the provider in practice, and Part 2 of condition E7 requires that the provider must have a business plan that meets relevant requirements and the ability to deliver the business plan in practice.
4. This document should be read in conjunction with the OfS's regulatory framework, including condition E9 and associated guidance. If there are any inconsistencies between the regulatory framework and this document, then the regulatory framework will prevail.

### **Interview purpose**

5. An assessment in relation to key individuals will normally involve interviews with a provider's key individuals to assess whether the key individuals have sufficient knowledge and expertise to facilitate the provider to:
  - a. Comply with the ongoing conditions of registration applicable to it (if registered).
  - b. Deliver, in practice, its business plan and governing documents.
  - c. Deliver, in practice, its fraud and public money arrangements.
6. These interviews are not designed to take the place of good quality recruitment processes, and we will not consider the wider suitability of the individual for the role.

### **Who we interview**

7. We normally plan to interview all the key individuals set out in condition E9. For brevity, throughout this guidance, we will refer to these individuals as the 'chair', 'accountable officer', 'finance senior manager', and 'independent member'. We will refer to our key contact at the provider, who we are communicating with about the application, as the 'registration contact'.
8. An individual may fulfil more than one of the roles listed above. For example, a provider's proposed accountable officer may also fulfil the finance senior manager role. In these cases, we will normally assess that individual against the knowledge and expertise requirements relevant to each role.
9. If responsibilities will be shared between more than one individual, we will normally assess all those individuals against the knowledge and expertise requirements relevant to the role. This would be the case either in situations where the functional scope of the role is split between two individuals, or in situations like job-shares where two people cover the same scope on different days of the week.

10. The condition itself does not prohibit individuals from holding multiple roles. However, providers should be aware that the role of accountable officer is not compatible with that of an independent member. The roles are mutually exclusive and combining them would conflict with the requirements set out in 'Regulatory advice 10: Accountable officers'.<sup>1</sup> For any other combination of roles, providers should ensure that there is no conflict with the requirements outlined in Regulatory advice 10, and should refer to Public Interest Governance Principles Requirement XI for further guidance.<sup>2</sup>
11. More broadly, while combining multiple roles may be permissible, we consider that doing so could increase the risk of oversight failures, reduce the diversity of skills and experience, and weaken the separation of responsibilities that supports effective scrutiny and accountability. For these reasons, we think such arrangements are only likely to be appropriate in very small providers.
12. A provider applying for registration in the Approved (fee cap) category must ensure that its governing documents require at least one independent member of the governing body (under initial condition E7). The relevant member must demonstrate sufficient knowledge and expertise to fulfil the role. Where a provider has more than one independent member, only one must meet the relevant knowledge and expertise requirements. The provider may choose which independent member to nominate for this purpose. This requirement does not apply to a provider applying for registration in the Approved category.
13. We expect individuals will normally be appointed before the completion of the application assessment period. If a provider completes the appointment of a key individual while we are assessing its application for registration, we will normally interview the individual once they have been appointed (even if they were not in post at the time of the application) and may pause our assessment until this can be done.
14. Similarly, if during the application process an individual who has been recruited to one of the roles defined as a 'key individual' leaves their post we will normally expect to interview any new individual appointed to the role, and may pause the assessment until this can be done.
15. When the individual will not be appointed until after the completion of the application assessment period, we may consider the lack of a key individual or individuals when assessing whether a provider has the capacity and resources to deliver the business plan in practice (Condition E7.5).
16. While we will normally interview individuals to test their knowledge and expertise, in some cases we may decide not to do so if we consider we can make an assessment of their knowledge and expertise without the information we would collect in interview. In this situation we may undertake the assessment by considering any regulatory information we may hold about the individual, along with a brief CV. (We will communicate with the registration contact if the latter is required.) In these cases, a provider may wish to submit a skills matrix; however, this is not a requirement and is a supplementary tool.

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<sup>1</sup> OfS, '[Regulatory advice 10: Accountable officers. Guidance for providers on the responsibilities of accountable officers](#)'.

<sup>2</sup> See [Annex B: Public interest governance principles](#).

17. We will decide which individuals to interview on a case-by-case basis. When deciding whether to interview an individual we may consider any information in the provider's application, and any regulatory intelligence held about any key individual.
18. For the avoidance of doubt, whether we choose to undertake these interviews or not should not be considered indicative that a particular application assessment outcome is more or less likely.

## **Interview format**

### **When we Interview**

19. We will normally conduct interviews at a later stage in the application assessment process, after reviewing the documents that are submitted with the registration application. This approach allows the OfS to:
  - consider the submitted information in advance of the interview
  - allow time for the provider to complete any outstanding recruitment processes
  - minimise the need for multiple interviews as a result of personnel changes.
20. More information on the order of the registration assessment process is available in Regulatory advice 3.<sup>3</sup>

### **Interview format and duration**

21. Interviews will usually last between 30 and 60 minutes. We expect this to be enough to test the critical areas, rather than exhaustively assess each individual's knowledge and expertise. Some interviews will be extended as a result of complexity or novelty of a provider's business model, or of any regulatory intelligence received. We may also extend the length of the interview where an individual holds more than one role, to ensure we can assess the relevant knowledge and expertise for each.
22. Interviews may be conducted in person or online using virtual meeting software. The most appropriate venue will be agreed between the OfS and the registration contact.

### **Preparing for interview**

23. Before the interview, we will contact the registration contact (normally by email) to propose a time, date and location for each interview and to request confirmation that all relevant individuals are able to attend.
24. At this point, we will also ask whether any of the individuals require any reasonable adjustments, and request that these are set out in writing.
25. Once arrangements are confirmed, we will provide the following information for each interview (normally by email):
  - the headline topics we expect to cover
  - the expected members of the OfS interview panel.

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<sup>3</sup> See [4. Assessment](#).

- 26. We aim to send this information one week in advance of the interview.
- 27. If there are any changes to the expected interview panel (for example due to illness) we will share this with the registration contact as soon as possible.
- 28. The interviews are not designed to be a 'memory test', so individuals are free to bring handwritten or electronic notes to support their interview. However, the use of artificial intelligence (AI) tools to generate answers during the interview is not permitted. If we suspect that AI is being used in this way, we may pause or terminate the interview.

## Interview panel

- 29. The interview panel will normally consist of a minimum of two OfS staff members, acting as chair and note taker. The interview panel will be appropriately trained and will receive a detailed briefing on a provider's registration application in advance of the interview.
- 30. The size of the interview panel will normally be limited to four members. We may expand it if, for example, additional expertise is required.

## Interview questions

- 31. At the end of this document we set out the knowledge and expertise we require each key individual to have.
- 32. Interviews will normally focus on a subset of these topics, rather than seeking to cover every area. The specific topics to be discussed will be shared in advance, as noted above.
- 33. The topics selected will vary on a case-by-case basis, but may include the provider's application, its organisational structure and context and the particular individual's role, responsibilities and experience.

### Examples

**A provider's application:** for example, if our review of the submitted documents raises concerns about the practical deliverability of certain elements of the business plan, we may choose to focus the interview on those specific areas.

**Structure and context:** for example, where a provider has a complex ownership or partnership structure that results in a complex set of governing documents, we may choose to focus on the individuals' understanding of these documents during the interview.

**The particular individual:** For example, if an individual has extensive experience of operating within other registered providers without any concerns, we may choose not to focus on their overall understanding of the regulatory framework. Instead, we may concentrate on issues more specific to the provider's application, structure or context.

- 34. The questions will focus on the knowledge and expertise set out at the end of this document, with particular topics shared in advance. The interview panel may also choose to ask to follow up questions, to clarify or otherwise develop an individual's answer.

## Record keeping

35. We will normally take a video record of the interviews and a summary note of discussion. We are subject to legal information management requirements, and our document management and storage will be in line with these. More information on how these documents are stored and used is available in the Privacy notice at Annex T.

## After the interview

36. We will not normally provide separate feedback on the results of our assessment of individual interviews. The information collected through this assessment will feed into the overall registration assessment, and the outcome of this will be shared with a provider in line with 'Regulatory advice 3: How to register with the Office for Students'.<sup>4</sup> We will not normally offer the opportunity for any key individual to engage in informal or formal dialogue with us about our assessment. However, where we consider it appropriate, we may decide to share information with a key individual for the limited purpose of fact-checking.

37. As set out in Regulatory advice 3,<sup>5</sup> if a provider's application is successful we may impose specific conditions of registration, or put in place enhanced monitoring requirements, to manage any particular risks we have identified during our assessment. This may include requirements for mitigations or controls in relation to a key individual's knowledge and expertise, or broader process or policy level controls where we see concerns about several individuals' knowledge and expertise.

## Knowledge and expertise required for each role

38. 'Sufficient awareness' and 'sound understanding' are defined in the guidance for condition E9.

39. The following tables set out the specific requirements for each 'key individual'. More detailed information on these requirements is set out in the guidance to initial condition E9.

**Table 1: Requirements of the chair of the governing body**

Area of knowledge or expertise	Required level of understanding
The following matters set out in the provider's business plan: <ul style="list-style-type: none"><li>the provider's business objectives and targets.</li><li>the provider's strategy for achieving its business objectives and targets.</li><li>any risks arising from assumptions made by the provider in the formation of its business plan that could impact its ability to achieve its business objectives and targets.</li><li>how the provider plans to manage those risks.</li></ul>	Sound understanding
The provider's set of governing documents, but not limited to any provisions that authorise or obligate the individual to act on behalf of the provider.	Sound understanding
The regulatory requirements imposed by ongoing condition of registration E3 and associated guidance.	Sound understanding

<sup>4</sup> See [5. Outcomes](#).

<sup>5</sup> See [5. Outcomes](#).

The broad characteristics and academic needs of the cohorts of students the provider has recruited or intends to recruit for its planned higher education provision as set out in its business plan.	Sufficient awareness
How the higher education system in England functions and the context of the sector in which the provider plans to operate.	Sufficient awareness
Regulatory requirements imposed by the OfS and associated guidance (beyond ongoing condition of registration E3 and associated guidance).	Sufficient awareness
Action that the OfS can take to address a breach of its regulatory requirements or an increased risk of breach.	Sufficient awareness
The provider's fraud and public money arrangements and any obligations they place on how the individual carries out their duties – including, but not limited to, any obligations to act if they find evidence of fraud or misuse of public money.	Sufficient awareness
Sufficient knowledge and expertise to enable the individual to effectively lead the governing body	N/A

**Table 2: Requirements of the accountable officer**

Area of knowledge or expertise	Required level of understanding
All elements of the provider's business plan.	Sound understanding
How the higher education system in England functions and the context of the sector in which the provider plans to operate.	Sound understanding
The provider's set of governing documents, but not limited to any provisions that authorise or obligate the individual to act on behalf of the provider.	Sound understanding
Action that the OfS can take to address a breach of its regulatory requirements or an increased risk of breach.	Sound understanding
the provider's fraud and public money arrangements and any obligations these place on how the individual carries out their duties, including but not limited to any obligations to act if they find evidence of fraud or misuse of public money.	Sound understanding
The regulatory requirements imposed by ongoing condition of registration E3 and associated guidance.	Sufficient awareness
The role of any other public authority or government body with which the provider may interact if registered (including, but not limited to, the Office of the Independent Adjudicator for Higher Education and, if relevant, the Student Loans Company Limited and the Home Office), and the nature of possible interactions.	Sufficient awareness
Sufficient knowledge and expertise to enable the individual to provide effective leadership and management of the provider and its activities.	N/A

**Table 3: Requirements of the individual with overarching responsibility for the management of the provider's financial affairs**

Area of knowledge or expertise	Required level of understanding
The financial elements of the provider's business plan.	Sound understanding
Any business objectives and targets (where these could relate to financial matters, including but not limited to the provider's financial targets) and the provider's strategy for achieving those objectives and targets, as set out in the provider's business plan.	Sound understanding
Regulatory requirements imposed by the OfS and associated guidance in relation to financial matters (including, but not limited to, requirements for reportable events, financial reporting and data returns).	Sound understanding
The provider's fraud and public money arrangements and any obligations these place on how the individual carries out their duties – including, but not limited to, any obligations to act if they find evidence of fraud or misuse of public money.	Sound understanding
How the higher education system in England functions and the context of the sector in which the provider plans to operate.	Sufficient awareness
The provider's set of governing documents, including but not limited to any provisions that authorise or obligate the individual to act on behalf of the provider	Sufficient awareness

**Table 4: Requirements of the independent member of the governing body**

Area of knowledge or expertise	Required level of understanding
<p>The following matters set out in the provider's business plan:</p> <ul style="list-style-type: none"> <li>the provider's business objectives and targets</li> <li>the provider's strategy for achieving its business objectives and targets</li> <li>any risks arising from assumptions made by the provider in the formation of its business plan that could affect its ability to achieve its business objectives and targets</li> <li>how the provider plans to manage those risks.</li> </ul>	Sound understanding
The provider's set of governing documents, but not limited to any provisions that authorise or obligate the individual to act on behalf of the provider.	Sound understanding
the provider's fraud and public money arrangements and any obligations these place on how the individual carries out their duties – including, but not limited to, any obligations to act if they find evidence of fraud or misuse of public money – and the individual's role in providing scrutiny over, and challenge of, these arrangements.	Sound understanding
The broad characteristics and academic needs of the cohorts of students the provider has recruited or intends to recruit for its planned higher education provision, as set out in its business plan.	Sufficient awareness
The regulatory requirements imposed by ongoing condition of registration E3 and associated guidance.	Sufficient awareness

Sufficient knowledge and expertise to enable the individual to provide effective scrutiny over, and challenge of, activities of the provider and its governing body.

N/A