



The Office for Students, its Regulatory Framework and academic governance

- 1 The OfS Regulatory Framework (RF) sets out 'initial conditions of registration',¹ that a provider must meet in order to be entered on the OfS' Register of providers, and 'ongoing general conditions of registration' that providers will have to continue to meet in order to maintain their registration.² OfS' detailed requirements for both 'initial and 'ongoing' registration can be found in an Annex to the RF³ and in a further Annex: 'Public Interest Governance Principles'.⁴
- 2 In order of their significance for academic governance, the first Condition of Registration (E2) requires providers to have in place 'adequate and effective ... governance arrangements'; to operate in accordance with their governing documents' and to 'deliver, in practice, the (applicable) public interest governance principles ...'.⁵ The terms 'effective' and 'adequate' are defined by OfS by reference to the provider's 'stated or implied objective',⁶ and by the injunction to providers to operate in accordance with their governing documents.
- 3 Condition E1, states that a provider's 'governing documents must uphold the (relevant) public interest governance principles.'⁷ A third Condition, B1, requires providers to 'deliver well-designed courses that provide a high quality academic experience for all students'. The accompanying text makes it clear that this requirement for 'effective arrangements' also applies when the provider works in partnership with others.⁸
- 4 Turning to the Public Interest Governance Principles, Principle iv, Academic governance states that 'The governing body receives and tests assurance that academic governance is adequate and effective through explicit protocols with the senate/academic board (or equivalent)'. Principle iii: Student engagement states that the governing body will ensure 'that all students have opportunities to engage with the governance of the provider, and that this allows for a range of perspectives to have influence'. Finally, Principles i and vii, Academic freedom and Freedom of speech, have a bearing on the provider's culture and they might best be regarded as preconditions for the effective operation of its academic governance.⁹

¹ OfS Regulatory Framework, paragraphs 92-98, pp.40-41

² OfS Regulatory Framework, paragraphs 112-117, p.43

³ OfS Regulatory Framework, Annex A: Initial and general ongoing conditions of registration, pp.138-144

⁴ OfS Regulatory Framework, Annex B: Public interest governance principles, pp.145-147

⁵ OfS Regulatory Framework, Annex A: Initial and general ongoing conditions of registration, Condition E2, p.141

⁶ OfS defines 'adequate' as 'capable of delivering a stated or implied objective' and 'effective' 'if ... [something] ... is delivering its stated or implied objective'. See OfS 'Regulatory Advice 2. Registration of current providers for 2019-20,' Annex F, p.2.
https://www.officeforstudents.org.uk/media/1049/ofs2018_04.pdf

⁷ OfS Regulatory Framework, Annex A: Initial and general ongoing conditions of registration, Condition E2, p.141

⁸ OfS Regulatory Framework, Annex A: Initial conditions of registration, Condition B1, p.93

⁹ OfS Regulatory Framework, Annex B: Public interest governance principles, p.145

- 5 Lastly in the OfS Regulatory Framework, the academic governance provisions of ‘Guidance on the criteria for the authorisation for DAPs’¹⁰ are not only consistent with the Conditions of Registration and Public Interest Governance Principles but they are stated in terms that are sufficiently specific to serve as criteria against which a provider’s academic governance can be evaluated.
- 6 These criteria are: that an organisation ... has effective academic governance, with clear and appropriate lines of accountability for its academic responsibilities,¹¹ which links to Principle iv in the Public Interest Governance Principles (see paragraph 4, above). This is further clarified by two of the ‘evidence requirements’: that ‘there is clarity and differentiation of function and responsibility at all levels in the organisation in relation to its academic governance structures’,¹² and that the ‘function and responsibility of the senior academic authority is clearly articulated and consistently applied’.¹³
- 7 On academic governance, specifically, there is a requirement that it is conducted in partnership with the provider’s students¹⁴ and that ‘students individually and collectively are engaged in the governance of the organisation and its higher education provision, with students supported to be able to engage effectively’.¹⁵ Finally, there is the ‘overarching criterion’, that an awarding institution is ‘a self-critical, cohesive academic community with a proven commitment to the assurance of standards supported by effective quality systems’.¹⁶ The phrase ‘self-critical, cohesive academic community’ has a bearing on the provider’s culture and, as such, it complements Public Interest Governance Principles i and vii above (see above, paragraph 4).
- 8 When assessing the effectiveness of a provider’s academic governance, evidence will also be required that shows whether the provider’s ‘higher education mission and strategic direction and associated policies are coherent, published, understood and applied consistently’,¹⁷ and that ‘its academic policies support its higher education mission, aims and objectives’.¹⁸
- 9 This gives us the following criteria for assessing the adequacy and effectiveness of a provider’s academic governance.
- i. The function and responsibility of the provider’s academic board, senate or equivalent body as its senior academic authority are clearly articulated and consistently applied

¹⁰ OfS Regulatory Framework, Annex C – Guidance on the criteria for the authorisation for DAPs, p.148

¹¹ OfS Regulatory Framework, Annex C, Underpinning criteria for taught DAPs, A: Academic governance, Criterion A1: Academic governance, A1.1, p.148

¹² OfS Regulatory Framework, Annex C, Criterion A1. Academic Governance, c., p.149

¹³ OfS Regulatory Framework, Annex C, Criterion A1. Academic Governance, d., p.149

¹⁴ OfS Regulatory Framework, Annex C, A1.2

¹⁵ OfS Regulatory Framework, Annex C, Criterion A1: Academic governance, Evidence requirement, h., p.149

¹⁶ OfS Regulatory Framework, Annex C, ‘Overarching criterion for the authorisation for DAPs’ (For Full DAPs) p.148

¹⁷ OfS Regulatory Framework, Annex C, Criterion A1. Academic Governance, a., p.149

¹⁸ OfS Regulatory Framework, Annex C, Criterion A1. Academic Governance, b., p.149

- ii. The provider has effective academic governance with clear and appropriate lines of accountability for its academic responsibilities.
- iii. There is clarity and differentiation of function and responsibility at all levels in the provider's academic governance structures and arrangements for managing its higher education provision.
- iv. Where the provider works in partnership with other organisations to deliver learning opportunities, it ensures that its governance and the management of such opportunities are robust and effective and that decisions to work with other organisations are the result of a strategic approach, rather than opportunism.
- v. All aspects of the provider's control and oversight of its higher education provision are conducted in partnership with its students.
- vi. The provider's higher education mission and strategic direction and associated policies are coherent, published, understood and applied consistently
- vii. The provider's academic policies support its higher education mission, aims and objectives.
- viii. The provider is a self-critical, cohesive academic community with a proven commitment to the assurance of standards supported by effective quality systems.

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