

## SCHEDULES

### SCHEDULE 1

Section 1

#### THE OFFICE FOR STUDENTS

##### *Status*

- 1 (1) The OfS is not to be regarded—
  - (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The OfS's property is not to be regarded—
  - (a) as the property of the Crown, or
  - (b) as property held on behalf of the Crown.

##### *Membership*

- 2 (1) The OfS is to consist of the following members appointed by the Secretary of State—
  - (a) a chair (“the chair”),
  - (b) the Chief Executive Officer,
  - (c) the Director for Fair Access and Participation, and
  - (d) at least seven and not more than twelve other members (“the ordinary members”).
- (2) The Secretary of State must, in appointing the chair and the ordinary members, have regard to the desirability of the OfS's members (between them) having experience of—
  - (a) representing or promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers,
  - (b) providing higher education on behalf of an English higher education provider or being responsible for the provision of higher education by such a provider,
  - (c) employing graduates of higher education courses provided by higher education providers covering a range of academic and practical disciplines,
  - (d) promoting choice for consumers or other service users, and encouraging competition, in industry or another sector of society,
  - (e) creating, reviewing, implementing or managing a regulatory system in industry or another sector of society,
  - (f) managing or auditing the financial affairs of an organisation, and
  - (g) a broad range of the different types of English higher education providers.
- (3) But at least one of the ordinary members must have experience of representing or promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers.

- (4) A person may not be appointed as a member of the OfS if the person is a civil servant.
- (5) In this Schedule, “civil servant” means a person employed in the civil service of the State.

*The Director for Fair Access and Participation*

- 3 (1) The Director for Fair Access and Participation (“the Director”) is responsible for—
- (a) overseeing the performance of the OfS’s access and participation functions,
  - (b) performing, in accordance with paragraph 11, any of those functions, or other functions, of the OfS which are delegated to the Director under that paragraph, and
  - (c) reporting to the other members of the OfS on the performance of the OfS’s access and participation functions.
- (2) The Director may also report to the other members of the OfS on the measures taken by the OfS to comply with its duty under section 2(1)(e) (duty to have regard to the need to promote equality of opportunity etc) in performing a particular function of the OfS.
- (3) For the purposes of this Schedule, the OfS’s “access and participation functions” are the functions conferred on it by or under—
- (a) section 21 (refusal to renew an access and participation plan),
  - (b) sections 29 to 34 (access and participation plans),
  - (c) section 35 (advice on good practice),
  - (d) section 36 (duty to protect academic freedom in performing certain access and participation functions), and
  - (e) section 37 (power of the Secretary of State to require a report).

*Terms of appointment and tenure of members*

- 4 (1) A person holds and vacates office as a member of the OfS in accordance with the terms of his or her appointment.
- (2) The terms and conditions of a person’s appointment as a member of the OfS are to be determined by the Secretary of State; but that is subject to the following provisions of this Schedule.
- (3) The matters with which the terms and conditions of a member’s appointment may deal include, in particular—
- (a) the period for which the member is to hold office;
  - (b) the member’s eligibility for re-appointment;
  - (c) circumstances in which membership may be suspended.
- 5 (1) A person may resign from office as a member of the OfS by notifying the Secretary of State.
- (2) The Secretary of State may remove a person from office as a member of the OfS on any of the following grounds—
- (a) absence from the OfS’s meetings for a continuous period of more than six months without the OfS’s permission,
  - (b) inability or unfitness to carry out the functions of the office, or

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*Status: This is the original version (as it was originally enacted).*

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- (c) such other grounds as the Secretary of State considers appropriate.
- (3) If a person appointed as a member of the OfS becomes a civil servant, the person ceases to be a member.

#### *Remuneration etc of members*

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- (1) The OfS must pay to members of the OfS such remuneration as the Secretary of State may determine.
  - (2) The OfS must pay, or make provision for paying, to or in respect of a person who is or has been a member of the OfS such sums as the Secretary of State may determine in respect of pension, allowances, expenses or gratuities.
  - (3) If, where a person ceases to be a member of the OfS, the Secretary of State determines that he or she should be compensated because of special circumstances, the OfS must pay him or her compensation of such amount as the Secretary of State may determine.

#### *Staffing of the OfS*

- 7
- (1) The OfS may—
    - (a) appoint employees, and
    - (b) make such other arrangements for the staffing of the OfS as it considers appropriate.
  - (2) The terms and conditions of appointment as employees are to be determined by the OfS with the approval of the Secretary of State.
  - (3) The OfS must pay its employees such remuneration as the OfS may determine with the approval of the Secretary of State.
  - (4) The OfS must pay, or make provision for paying, to or in respect of a person who is an employee of the OfS, such sums as the OfS may determine with the approval of the Secretary of State in respect of allowances or expenses.
  - (5) The OfS may pay, or make provision for paying—
    - (a) to or in respect of a person who is or has been an employee of the OfS, such sums as the OfS may determine with the approval of the Secretary of State in respect of pensions or gratuities, and
    - (b) to or in respect of a person who has been an employee of the OfS, such sums as the OfS may determine with the approval of the Secretary of State in respect of allowances or expenses.
  - (6) In the Superannuation Act 1972 (“the 1972 Act”), in Schedule 1 (kinds of employment to which a scheme under section 1 of the 1972 Act can apply), in the list of “Other Bodies”, at the appropriate place insert—

“Office for Students.”
  - (7) The OfS must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (6) in the sums payable out of money provided by Parliament under the 1972 Act.

### *Committees*

- 8 (1) The OfS may establish committees, and any committee so established may establish sub-committees.
- (2) A committee or sub-committee so established is referred to in this Schedule as an “OfS committee”.
- (3) An OfS committee may consist of or include persons who are neither members, nor employees, of the OfS.
- (4) The OfS must pay such allowances as the Secretary of State may determine to any person who—
- (a) is a member of an OfS committee, but
  - (b) is neither a member, nor an employee, of the OfS.
- (5) The OfS must keep under review—
- (a) the structure of the OfS committees, and
  - (b) the scope of each committee’s activities.

### *Procedure*

- 9 (1) The OfS may determine—
- (a) its own procedure, and
  - (b) the procedure of any OfS committee;
- but that is subject to the rest of this paragraph.
- (2) The quorum for a meeting of the OfS is half the number of its members.
- (3) A representative of the Secretary of State is entitled—
- (a) to attend any meeting of the OfS or of any OfS committee, and
  - (b) to take part in any deliberations (but not in decisions) at such meetings.
- (4) The OfS must provide the Secretary of State, or a representative of the Secretary of State, with such copies of documents distributed to its members or to any OfS committee as the Secretary of State or representative may require it to provide.
- 10 The validity of any proceedings of the OfS, or of any OfS committee, is not affected by a vacancy or a defective appointment.

### *Delegation of functions*

- 11 (1) The OfS may delegate any of its functions to—
- (a) a member of the OfS,
  - (b) an employee of the OfS authorised for that purpose, or
  - (c) an OfS committee.
- (2) But a function which is one of the OfS’s access and participation functions may only be delegated to the Director.
- (3) A function is delegated under this paragraph to the extent, and on the terms that, the OfS determines.

### *Accounts and audit*

- 12 (1) The OfS must—
- (a) keep proper accounts and proper records in relation to them, and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) Each statement of accounts must comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) its content and form;
  - (b) the methods and principles to be applied in preparing it;
  - (c) the additional information (if any) which is to be provided for the information of Parliament.
- (3) The OfS must send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General before the end of August next following the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement of accounts, and
  - (b) send a copy of each report and certified statement to the Secretary of State.
- (5) The Secretary of State must lay before Parliament a copy of each such report and certified statement.
- (6) In this Schedule “financial year” means—
- (a) the period beginning with the date on which the OfS is established and ending with the second 31 March following that date, and
  - (b) each successive period of 12 months.

### *Annual report*

- 13 (1) The OfS must prepare a report on the performance of its functions during each financial year.
- (2) The report must include the statement of accounts in respect of that year.
- (3) The report must include a statement regarding how the OfS has cooperated with UKRI during that year.
- (4) If, at any time in the financial year to which the report relates, all of the OfS’s access and participation functions were not delegated to the Director under paragraph 11, the report must include a statement specifying—
- (a) the period or periods in that year during which those functions were not delegated to the Director, and
  - (b) the reasons why they were not so delegated.
- (5) The report relating to a financial year must be prepared as soon as possible after the end of the financial year.
- (6) The OfS must send the report to the Secretary of State.
- (7) The Secretary of State must lay the report before Parliament.

*Seal and evidence*

- 14 (1) The application of the OfS’s seal must be authenticated by the signature of—
- (a) the chair or some other person authorised for that purpose by the OfS, and
  - (b) one other member of the OfS.
- (2) A document purporting to be duly executed under the OfS’s seal or signed on its behalf—
- (a) is to be received in evidence, and
  - (b) is to be taken to be executed or signed in that way, unless the contrary is shown.

*Supplementary powers*

- 15 (1) The OfS may do anything (except borrow money) which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its functions.
- (2) In particular, the OfS may—
- (a) acquire and dispose of land and other property,
  - (b) enter into contracts,
  - (c) invest sums, and
  - (d) accept gifts of money, land or other property.

*Public records*

- 16 In Part 2 of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate place insert—
- “Office for Students.”

*Investigation by the Parliamentary Commissioner*

- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place insert—
- “Office for Students.”

*House of Commons disqualification*

- 18 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert—
- “The Office for Students.”

*Northern Ireland Assembly disqualification*

- 19 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert—
- “The Office for Students.”

*Freedom of information*

- 20 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which that Act applies), at the appropriate place insert—

“The Office for Students.”

*Public sector equality duty*

21 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to the public sector equality duty), in the group of entries under the heading “Other educational bodies”, at the appropriate place insert—

“The Office for Students.”