



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Establishment of the Office for Students

2 General duties

- (1) In performing its functions, the OfS must have regard to—
 - (a) the need to protect the institutional autonomy of English higher education providers,
 - (b) the need to promote quality, and greater choice and opportunities for students, in the provision of higher education by English higher education providers,
 - (c) the need to encourage competition between English higher education providers in connection with the provision of higher education where that competition is in the interests of students and employers, while also having regard to the benefits for students and employers resulting from collaboration between such providers,
 - (d) the need to promote value for money in the provision of higher education by English higher education providers,
 - (e) the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers,
 - (f) the need to use the OfS's resources in an efficient, effective and economic way, and
 - (g) so far as relevant, the principles of best regulatory practice, including the principles that regulatory activities should be—
 - (i) transparent, accountable, proportionate and consistent, and
 - (ii) targeted only at cases in which action is needed.

Status: This is the original version (as it was originally enacted).

- (2) The reference in subsection (1)(b) to choice in the provision of higher education by English higher education providers includes choice amongst a diverse range of—
 - (a) types of provider,
 - (b) higher education courses, and
 - (c) means by which they are provided (for example, full-time or part-time study, distance learning or accelerated courses).
- (3) In performing its functions, including its duties under subsection (1), the OfS must have regard to guidance given to it by the Secretary of State.
- (4) In giving such guidance, the Secretary of State must have regard to the need to protect the institutional autonomy of English higher education providers.
- (5) The guidance may, in particular, be framed by reference to particular courses of study but, whether or not the guidance is framed in that way, it must not relate to—
 - (a) particular parts of courses of study,
 - (b) the content of such courses,
 - (c) the manner in which they are taught, supervised or assessed,
 - (d) the criteria for the selection, appointment or dismissal of academic staff, or how they are applied, or
 - (e) the criteria for the admission of students, or how they are applied.
- (6) Guidance framed by reference to a particular course of study must not guide the OfS to perform a function in a way which prohibits or requires the provision of a particular course of study.
- (7) Guidance given by the Secretary of State to the OfS which relates to English higher education providers must apply to such providers generally or to a description of such providers.
- (8) In this Part, “the institutional autonomy of English higher education providers” means—
 - (a) the freedom of English higher education providers within the law to conduct their day to day management in an effective and competent way,
 - (b) the freedom of English higher education providers—
 - (i) to determine the content of particular courses and the manner in which they are taught, supervised and assessed,
 - (ii) to determine the criteria for the selection, appointment and dismissal of academic staff and apply those criteria in particular cases, and
 - (iii) to determine the criteria for the admission of students and apply those criteria in particular cases, and
 - (c) the freedom within the law of academic staff at English higher education providers—
 - (i) to question and test received wisdom, and
 - (ii) to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at the providers.