STATUTORY INSTRUMENTS

2018 No. 470

EDUCATION, ENGLAND

The Higher Education (Access and Participation Plans) (England) Regulations 2018

Made - - - - 5th April 2018

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 29(5) to (7), 30(2), 32(1) and (3), 33(1), 34 and 119(5) of the Higher Education and Research Act 2017(**1**).

In accordance with section 119(2) of that Act, a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Higher Education (Access and Participation Plans) (England) Regulations 2018 and shall come into force on the day after the day on which they are made.

(2) In these Regulations—

"a plan" means an access and participation plan within the meaning of section 29(2) of the Higher Education and Research Act 2017;

"the review body" means a person or panel of persons appointed by the Secretary of State in accordance with regulation 6(6).

Content of plans

2.—(1) A plan relating to an institution must set out the objectives of the institution, determined by its governing body, relating to the promotion of equality of opportunity(**2**).

(2) A plan relating to an institution must include provisions requiring the governing body of the institution to do the following—

(a) to take, or secure the taking of, the measures set out in the plan to attract an increased proportion of its total number of applications from prospective students who are members

(**1**) 2017 c. 29.

(**2**) "Equality of opportunity" is defined in section 32(5) of the Higher Education and Research Act 2017.

of groups which, at the time when the plan is approved, are under-represented in that institution or in higher education(**3**);

(b) to take, or secure the taking of, the measures set out in the plan to support successful participation in higher education by specified prospective students and students;

(c) to provide, or secure the provision of, the bursaries and other forms of financial assistance set out in the plan to students undertaking a higher education course at the institution;

(d) to make the arrangements set out in the plan to make available to students undertaking a higher education course at the institution and prospective students wishing to undertake such a course information about financial assistance available to them from any source;

(e) to make the arrangements set out in the plan to make available to prospective students, before they commit themselves to undertake a higher education course at the institution, information about the aggregate amount of fees(**4**) that the institution will charge for the completion of that course;

(f) to monitor and evaluate, in the manner set out in the plan—

(i) its compliance with the provisions of the plan; and

(ii) its progress in achieving the objectives set out in the plan by virtue of paragraph (1); and

(g) to provide the OfS with such information as it may reasonably require from time to time regarding the contribution that the institution has made towards furthering equality of opportunity.

(3) The measures referred to in paragraph (2)(b) may include the provision of appropriate assistance to students during higher education courses regarding the educational, employment or other opportunities that may be available during or after completion of those courses.

(4) In paragraph (2)(b) "specified prospective students and students" are prospective students and students who are members of groups which, at the time when the plan is approved, are under-represented amongst those who—

(a) complete higher education courses at that institution or at registered higher education providers; or

(b) otherwise participate successfully, in the view of the OfS, in higher education provided by that institution or by registered higher education providers.

Approval of plans

3.—(1) In deciding whether to approve a plan, in addition to any other matters it considers appropriate, the OfS must have regard to—

(a) whether the governing body of the institution provided its students with an opportunity to express their views about the content of the plan before it was submitted for approval; and

(b) if it provided such an opportunity and received views from its students in response, what steps were taken subsequently by the governing body in relation to the plan.

(2) Where the governing body of an institution applies to the OfS for approval of a proposed plan—

(a) the OfS must inform the governing body within a reasonable time whether it approves the plan or whether it is minded not to approve the plan, giving reasons in the latter case;

(**3**) Section 32(5)(b) of the Higher Education Act 2017 provides that, for the purpose of that section 32, references to "higher education" do not include education provided by means of any postgraduate course other than a course of initial teacher training.

(**4**) "Fees" in relation to undertaking a course is defined in section 85(2) of the Higher Education and Research Act 2017.