



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1 **U.K.**

#### THE OFFICE FOR STUDENTS

##### *Quality and standards*

### 23 **Assessing the quality of, and the standards applied to, higher education** **E+W**

- (1) The OfS may assess, or make arrangements for the assessment of, the quality of, and the standards applied to, higher education provided by English higher education providers.
- (2) But the OfS must assess, or make arrangements for the assessment of, the quality of, and the standards applied to, higher education provided by—
  - (a) institutions who have applied to be registered in the register for the purposes of determining whether they satisfy any initial registration condition applicable to them relating to the quality of, or the standards applied to, higher education provided by them (see section 13(1)(a)), and
  - (b) registered higher education providers for the purposes of determining whether they satisfy any ongoing registration condition of theirs relating to the quality of, or the standards applied to, higher education provided by them (see section 13(1)(a)).
- (3) Where there are one or more sector-recognised standards, an assessment under this section of the standards applied—
  - (a) must relate only to the standards applied in respect of matters for which there are sector-recognised standards, and
  - (b) must assess those standards against sector-recognised standards only.
- <sup>F1</sup>(4) The factors that may be taken into account for the purposes of an assessment, under subsection (2)(a) or (b), of the quality of higher education provided by an institution include the student outcomes of the institution.

*Changes to legislation: Higher Education and Research Act 2017, Section 23 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) The student outcomes of an institution may be measured by any means (whether qualitative or quantitative) that the OfS considers appropriate, including by reference to the extent to which—
- (a) persons who undertake a higher education course with the institution continue to undertake that course, or another course at the same or a similar level, after a period of time,
  - (b) persons who undertake a higher education course with the institution are granted an award of a particular description by that institution,
  - (c) persons who are granted an award by the institution undertake further study of a particular description, or
  - (d) persons who are granted an award by the institution find employment of a particular description by virtue of that award.
- (6) The OfS may, from time to time, determine and publish a minimum level in relation to a measure of student outcomes which all institutions to whom the measure is applicable are expected to meet.
- (7) The OfS is not required to determine and publish different minimum levels in relation to a measure of student outcomes in order to reflect differences in—
- (a) particular student characteristics;
  - (b) the particular institution or type of institution which is providing higher education;
  - (c) the particular higher education course or subject being studied;
  - (d) any other such factor.
- (8) In taking into account the student outcomes of an institution as mentioned in subsection (4), account may be taken of whether the institution has met any minimum level determined and published under subsection (6) which is applicable to the institution.
- (9) In this section—
- “award” means a taught award or research award (see section 42);
- “student outcomes”, in relation to an institution, means outcomes for persons to whom the institution provides or has provided higher education or has granted an award.]

#### Textual Amendments

**F1** S. 23(4)-(9) inserted (28.6.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 18, 36(2)**

#### Commencement Information

**I1** S. 23 in force at 1.1.2018 for specified purposes by [S.I. 2017/1146](#), **reg. 3(6)(7)(b)**

**I2** S. 23 in force at 1.4.2018 in so far as not already in force by [S.I. 2018/241](#), **reg. 2(c)**

**Changes to legislation:**

Higher Education and Research Act 2017, Section 23 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. A1 inserted by [2023 c. 16 s. 1](#)
- s. A4 and cross-heading inserted by [2023 c. 16 s. 2](#)
- s. A5A6 and cross-heading inserted by [2023 c. 16 s. 3](#)
- s. A7 and cross-heading inserted by [2023 c. 16 s. 4](#)
- s. 2(1)(aa)(ab) inserted by [2023 c. 16 s. 5\(1\)](#)
- s. 2(7A) inserted by [2023 c. 16 Sch. para. 2\(3\)](#)
- s. 8A inserted by [2023 c. 16 s. 6](#)
- s. 9(3A) inserted by [2022 c. 21 s. 16\(2\)](#)
- s. 10(3A) inserted by [2023 c. 40 s. 2\(2\)\(a\)](#)
- s. 10(6A) inserted by [2023 c. 40 s. 2\(2\)\(b\)](#)
- s. 10(7A) inserted by [2023 c. 40 s. 2\(2\)\(c\)](#)
- s. 10(7B)(7C) inserted by [2023 c. 40 s. 1\(2\)\(b\)](#)
- s. 11(1A)(1B) inserted by [2023 c. 40 s. 2\(3\)\(b\)](#)
- s. 11(2)(2A) substituted for s. 11(2) by [2023 c. 40 s. 2\(3\)\(c\)](#)
- s. 31(1)(1A) substituted for s. 31(1) by [2023 c. 40 s. 2\(4\)\(a\)](#)
- s. 31(2A)(2B) inserted by [2023 c. 40 s. 2\(4\)\(c\)](#)
- s. 31(4) inserted by [2023 c. 40 s. 4\(4\)\(e\)](#)
- s. 67B(3A) inserted by [2023 c. 16 Sch. para. 5\(3\)](#)
- s. 67C(3) inserted by [2023 c. 16 Sch. para. 6](#)
- s. 69A and cross-heading inserted by [2023 c. 16 s. 5\(2\)](#)
- s. 69C inserted by [2023 c. 16 s. 8\(1\)](#)
- s. 73(1A) inserted by [2023 c. 16 Sch. para. 7\(3\)](#)
- s. 73(4A) inserted by [2023 c. 16 Sch. para. 7\(6\)](#)
- s. 85(1A) inserted by [2022 c. 21 s. 16\(4\)\(b\)](#)
- s. 119(2)(ha)(hb) inserted by [2023 c. 40 s. 2\(6\)](#)
- Sch. 2 para. 5(4) inserted by [2023 c. 40 s. 2\(7\)](#)
- Sch. 2 para. 1-1I substituted for Sch. 2 para. 1 by [2023 c. 40 s. 1\(4\)](#)
- Sch. 6A inserted by [2023 c. 16 s. 8\(2\)](#)
- Sch. 7 para. 4(5) inserted by [2023 c. 16 Sch. para. 13\(6\)](#)