

Operating Context

The aspects of the operating context for higher education providers

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Advance HE

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1. Legal requirements and regulation

Higher education institutions (HEI) need to satisfy a broad range of statutory and regulatory requirements. There is a plethora of legislation applying to HEIs. Some aspects of the law are specific to higher education, while for many areas of activity institutions are subject to the general law of the country. Similarly, regulation of HEIs is extensive and an area where governors will wish to seek assurance that, for example, the institution is meeting its responsibilities in submitting accurate and timely returns to the various bodies who regulate or oversee the sector.

1.1 Briefing note 20: Legal requirements and regulation

Providers of higher education are required to comply with a wide range of statutory and regulatory requirements. Governing bodies and their members are expected to exercise appropriate oversight, seeking assurances that the provider is complying with the statutory and legal requirements placed upon it.

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2. Ethics and values

Ethics and values are examined by looking at two separate, but inter-linked, perspectives.

2.1 Personal ethics and values

Personal ethics and values focus on the expected behaviour of members of a governing body. Standards of behaviour are expected to reflect the updated Nolan principles of public life, and members of governing bodies should be mindful of any potential conflicts of interest or loyalty and act at all times in the interests of the organisation.

2.2 Briefing note 21: Personal ethics and values

When performing their duties as a Governor, members of a governing body need to be mindful of the standards of behaviour expected of them. For members of 'public' providers the Nolan Principles offer clear guidance on the standards of behaviour that individuals are expected to demonstrate. Additionally, as many providers are a charity, members need to consider their responsibilities as a charitable trustee.

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2.3 Corporate ethics and values

Corporate ethics and values considers the governance of higher education institutions is expected to be conducted to the highest possible standards. The potential impact of changing policies and codes on corporate governance for higher education is noted, as is the possible damage to its reputation should an institution's behaviour fall below the highest standards.

2.4 Briefing note 22: Corporate ethics and values

Corporate ethics and values underpin the manner in which a higher education provider operates. A provider risks receiving adverse publicity and incurring reputational damage if its conduct and standards do not reflect the ethics and values expected of it. Governing bodies need to ensure that the provider's reputation is not placed at risk by actions which are not aligned with acceptable ethics and values.

[Download the briefing note.](#)

3. Additional resources

3.1 Briefing note 24: Benefits and impacts

This briefing note explores why governing bodies should carefully consider the impact of decisions on different activities when exercising oversight on the allocation of resources.

[Download the briefing note.](#)

3.2 Briefing note 26: The new regulatory approach to HE in England

This briefing note discusses the main features of the new regulatory approach to higher education in England, and role of the Office for Students (OfS).

[Download the briefing note.](#)



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