Universities UK

Our response to the Office for Students 'Proposals for a new approach to consumer and student protection'

Background

Universities UK (UUK) is the collective voice of 142 universities in England, Scotland, Wales, and Northern Ireland. Its mission is to create the conditions for UK universities to be the best in the world, maximising their positive impact locally, nationally, and globally. Universities UK acts on behalf of universities, represented by their heads of institution.

Our members are committed to delivering high-quality education and ensuring that students are treated fairly, transparently, and in line with consumer protection expectations.

We welcome the opportunity to respond to this consultation. We share OfS's view that student protection is of critical importance and its objective to ensure they receive accurate information and fair treatment throughout their higher education journey.

However, higher education is not a standard consumer market, and regulation must be proportionate, risk-based, and aligned with existing frameworks to avoid unintended consequences. Our consultation response sets out a number of recommendations that we believe would strengthen the proposals, making them more proportionate and better aligned with the OfS's state ambitions.

Universities UK

Executive Summary

We support the Office for Students' (OfS) objective of ensuring that students are treated fairly throughout their higher education journey. The principle of treating students fairly is a reasonable expectation, and we welcome efforts to simplify and streamline the regulatory framework by bringing together existing requirements into a clearer and more coherent approach. We also support the aim of improving transparency and ensuring students have access to the information they need to make informed decisions.

However, we are concerned that elements of the proposed condition extend beyond existing consumer protection law without a sufficiently robust evidence base to justify doing so. As our response sets out, several aspects of the proposals risk creating a higher regulatory threshold than that established through legislation, without clear evidence that existing legal and regulatory protections are inadequate.

- **We support the introduction of a principles-based requirement for providers to treat students fairly** and welcome a clearer and more streamlined regulatory framework. However, **OfS should not seek to establish a regulatory standard that exceeds, or departs from, well-established principles of consumer protection law**. Such an approach risks creating legal uncertainty, duplicating existing obligations and encouraging providers to adopt an unnecessarily legalistic and risk-averse approach that would not be in students' interests. **The focus should be on ensuring compliance with existing legal obligations rather than creating new requirements that go beyond them.**

- We have significant concerns about the proposal to bring all ancillary services within scope. **The condition should apply only to services that are integral to admissions or students' educational experience, and only where providers can reasonably oversee and influence delivery.** It is not appropriate or proportionate to hold providers responsible for services outside their control, including those delivered through third-party or government-managed arrangements. Doing so would risk creating confusion at best and leading to unfair outcomes at worst.

- We **support the proposal to move away from Student Protection Plans** and have consistently highlighted their limitations as a regulatory mechanism. Reforms should focus on improving Condition C4 through a targeted,

proportionate and risk-based approach that addresses concerns relating to provider failure and student protection. This would be more effective than creating additional regulatory burden through Condition C6.

- **We do not believe that the proposed phased implementation approach is workable.** Many of the substantive requirements depend on students having access to the published information required under the condition. The OfS should allow sufficient time for providers to review policies, governance arrangements and student-facing processes, and for supporting guidance and sector good practice to be developed before enforcement begins.

Our response

Question 1 – We are proposing to replace ongoing condition C1 (Guidance on consumer protection law) with a new ongoing condition C6 that would require a provider to 'treat students fairly'. To what extent do you support this proposal?

Strong support – Support – Neither support nor oppose – Oppose – Strongly oppose

Support

We welcome the introduction of a new ongoing condition requiring providers to treat students fairly. We share the Office for Students' (OfS) commitment to ensuring that students receive a high-quality experience and are treated fairly throughout their time in higher education. We also agree that the expectations placed upon providers should be clear and consistent, both for them and for students. Our members work hard to ensure that students are treated fairly and receive the higher education experience that they expected. They have well-established systems and processes in place to provide accurate information, support informed decision-making, respond to concerns and complaints, and continually improve the student experience. A clear regulatory framework can support these aims and help maintain confidence in the sector.

We also support efforts to simplify and streamline the regulatory framework by consolidating the requirements of C1 and C3 into a single condition. This approach will reduce duplication, improve understanding of regulatory expectations and enable institutions to focus resources on delivering positive outcomes for students. When consulting on new conditions or changes to existing conditions in the future, we

encourage OfS to consider similar opportunities to consolidate and simplify requirements where appropriate.

However, while we support the intention behind the proposed condition, we have concerns regarding its proposed scope and operationalisation. These concerns mean that we cannot strongly support the proposal in its current form. In particular, the proposed condition appears to move beyond the requirements of existing consumer protection law without a clear evidence base to justify why. While we recognise the importance of supporting continuous enhancement across the sector, regulatory requirements should remain proportionate and risk based.

We are also concerned that the proposed condition risks presenting the sector unfairly. Aspects of the consultation imply the existence of widespread problems relating to misleading information or inadequate student protection measures across the sector. However, the evidence base underpinning this framing does not support such a conclusion. The consultation refers to data showing that 68% of general consumers do not read or fully understand the contracts they sign for services. In contrast, OfS's own research indicates that 83% of students find pre-enrolment information clear, timely, accurate and transparent. This suggests that students are comparatively well informed and engaged in their decision-making, calling into question the rationale for introducing regulatory requirements that go beyond existing consumer protection law. The framing adopted in the consultation also appears difficult to reconcile with the OfS's new strategy, which commits to cultivating relationships based on mutual respect, confidence and trust. Any significant expansion of regulatory requirements should be supported by robust evidence demonstrating both the scale of the problem being addressed and the inadequacy of existing legal and regulatory mechanisms. In this instance, we do not believe that threshold has been met.

Question 2 – To what extent do you support our proposed approach of reflecting key elements of existing consumer protection law - adapted specifically for the higher education context - within the proposed condition?

Strong support – Support – Neither support nor oppose – Oppose – Strongly oppose

Oppose

We support principles-led regulation and recognise the value of a regulatory approach that is aligned with consumer protection law. The objective of adapting consumer protection requirements to the higher education context – to provide

greater clarity for providers and students alike – is reasonable. However, we do not support elements of the proposed condition that go beyond existing consumer protection law rather than adapting it. This would generate additional burden and complexity for institutions without a clear justification. It is a clear case of regulatory overreach. We do not believe it is appropriate for OfS to go beyond the commonly used and accepted principles and requirements, as defined by law.

- The Digital Markets, Competition and Consumers Act 2024 (DMCCA) generally adopts a negative framing, prohibiting unfair practices such as misleading actions or omissions. In contrast, the proposed condition frequently changes prohibitions within consumer law into positive obligations, requiring providers to demonstrate compliance with requirements that go beyond the established consumer law.

- Under the DMCCA, misleading actions or omissions are unfair where they are likely to cause the average consumer to take a transactional decision they would not otherwise have taken. The proposed condition appears to remove this materiality threshold, requiring all information to be clear and accurate regardless of whether any deficiency would influence student decision-making.

- By extending regulatory requirements beyond the principles contained in consumer law, providers may become more cautious about the volume and nature of information they publish. This could reduce transparency or discourage institutions from making changes and improvements in response to student feedback, quality enhancement activity or regulatory initiatives where there is concern about subsequent regulatory challenge.

- The proposed condition would also bring certain third-party organisations (eg students' unions, private accommodation providers) within scope, despite these organisations already being subject to consumer protection requirements. This risks creating duplication and excessive regulatory burden.

These additional requirements would have practical consequences for providers and for the implementation of the OfS's wider proposals. Universities that are already compliant with consumer protection law would be required to review and potentially revise policies, processes and communications to meet a higher regulatory standard. As set out below, we oppose both the proposed implementation timeline and the inclusion of third-party ancillary services. However, if these proposals are taken

forward, extending the condition beyond existing consumer law would further increase the complexity and burden of compliance.

Rather than extending regulatory requirements, we believe there is an important role for sector-led enhancement activity and the sharing of good practice. For example, we are currently working in collaboration with the Association of Heads of University Administration (AHUA), the Association of University Legal Practitioners (AULP), GuildHE and Shakespeare Martineau to develop guidance for the sector on enhancing student protections in the context of significant institutional change and financial pressures. This type of sector-led activity can support continuous improvement and enhancement beyond baseline regulatory requirements and demonstrates a mature sector taking ownership of these issues.

Question 3 – To what extent do you support our proposal to establish a combination of principles and requirements that would be consistent with treating students fairly?

Support

We agree that a combination of principles and requirements is likely to provide an appropriate framework for promoting fair treatment of students. However, the effectiveness of this approach will depend on how the principles and requirements are applied in practice. We would welcome greater clarity regarding how compliance will be monitored and assessed, how individual principles and requirements will be weighted, and how the OfS will determine whether a provider is meeting the overall condition.

Our view is that regulation should focus on establishing clear baseline expectations while allowing providers the flexibility to determine how best to meet those expectations within their own contexts. As outlined above, there is an important role for sector-led enhancement activity and the sharing of good practice. Sector-led activity supports continuous improvement and enhancement beyond baseline regulatory requirements. This is in keeping with OfS's own strategy of empowering the sector to drive positive change.

Question 4 – What are your views on the proposed principles, including any reflections on the individual principles? If there are any other principles you think are important, please include these here.

We support the use of principles within the proposed condition and recognise the intention to provide a framework that promotes fair treatment of students across a

range of circumstances. However, there are aspects of the principles that create potential tensions between different aspects without sufficient clarity regarding how these tensions would be balanced or addressed in practice. The OfS needs to be clear on its own process for how it will balance the following competing considerations and communicate this to the sector.

'Principles of fairness'

Higher education providers routinely undertake activities intended to promote equality of opportunity and improve outcomes for underrepresented groups. This may include contextual admissions practices, targeted student support, differential investment in particular student groups, and interventions delivered through Access and Participation Plans (APPs). OfS must provide reassurance that the condition will recognise the legitimacy of such approaches and that differential treatment designed to address existing inequities and to improve equality of opportunity will not be regarded as inconsistent with the requirement to treat students fairly.

'Delivering the provider's commitments relating to higher education and ancillary services'

Universities are expected, including by the OfS itself, to review and improve courses on an ongoing basis. This may include changes to course content, assessment methods, delivery models, contact hours, or other aspects of provision in order to maintain quality, respond to student feedback, meet employer needs or reflect developments within academic disciplines. The proposed reforms to the Teaching Excellence Framework similarly seek to encourage continuous improvement and enhancement. The OfS should therefore recognise that there will be circumstances where changes to provision are both necessary and beneficial for students. We would welcome greater clarity regarding the circumstances in which providers are expected to maintain commitments unchanged and where flexibility will be permitted.

For example, it would be reasonable for students to expect that a course advertised as meeting the requirements of a professional, statutory or regulatory body (PSRB) remains compliant with those requirements throughout the duration of study. However, maintaining that compliance may require changes to individual modules, placement requirements or assessment approaches if a PSRB updates its own regulations.

'Proactively identifying and planning for risks that could affect the delivery of higher education or ancillary services and acting early if those risks materialise'

There may be circumstances in which acting early to protect the long-term

sustainability of provision requires providers to make changes that affect some aspects of the student experience. While such actions should not compromise the quality of provision, they may result in changes (eg reduced optional module choice or the reorganisation of services). We would welcome further clarification on the relationship between this principle and the expectation that providers deliver their commitments, particularly where institutions are seeking to balance short-term impacts against longer-term student interests. This is especially important where there may be tensions between the interests of individual students and those of the wider study body, or broader local, regional and national interests that depend on the continued sustainability of provision. We are concerned that the proposed condition does not adequately reflect this need for proportionate, risk-based decision-making.

The OfS itself implicitly recognises the need for proportionate, early action. OfS expects providers to identify risks and act early to minimise the likelihood of changes affecting students. However, condition C6 appears to remove an important mechanism that currently enables this form of risk-based calibration. Under condition C3, a provider's obligations are linked to its assessment of which risks are reasonably likely to crystallise, requiring only reasonable steps where such risks materialise. In contrast, C6 requires providers to maintain policies covering relevant changes regardless of the associated level of risk. We are concerned that this could reduce providers' flexibility to take proportionate action in response to emerging risks and may discourage the kind of early intervention that the OfS itself seeks to encourage. We would urge the OfS to retain a mechanism for calibrating required policies to the likelihood and severity of risk is retained.

Additional principle

We would like to see the inclusion of a principle on proportionality, materiality and reasonable control. Providers should be supported to take a proportionate approach to meeting their obligations, having regard to the materiality of information and the extent of their control over relevant circumstances. This would ensure that providers focus on the information and actions most likely to influence students' decisions and their ability to exercise their consumer rights, while recognising that not all information carries equal significance. In practice, this means:

- Prioritising material information, such as changes to course content, delivery, costs or outcomes.

- Taking steps that are proportionate to the potential impact on students.

- Acting within the bounds of reasonable control while still communicating transparently about factors that materially affect students.

Question 5 – What are your views on proposed positive requirements (the things that a provider must do to treat students fairly), including the information we are proposing to require a provider to give to students as set out in the proposed OfS information requirements list?

We are concerned that the proposed positive requirements represent a significant departure from the approach generally taken in consumer protection law, which typically focuses on prohibiting harmful behaviours rather than requiring organisations to comply with broad positive standards. For example, the proposed requirement that information must always be clear raises practical questions regarding how clarity will be assessed and by whom as information that is clear to one student may not necessarily be clear to another. The OfS should publish the standards that will be applied and the evidence that institutions will be expected to maintain to demonstrate compliance.

As outlined above, we are also concerned about the proposal to separate information requirements from any assessment of materiality or likely impact on student decision-making. Under consumer protection law, the significance of information is generally assessed by reference to whether it is likely to influence a consumer's transactional decision. This distinction helps ensure that regulatory attention is focused on information that is genuinely important to decision-making. The proposed approach appears to remove this distinction, potentially bringing all information produced by a provider within the scope of regulatory scrutiny, regardless of its relevance or significance to students' decisions. In our view, this would represent a departure from established consumer protection principles and would not constitute a proportionate or risk-based approach to regulation.

These requirements may also create further unintended consequences. Universities already devote significant effort to ensuring that information is accurate and accessible. However, if all information becomes subject to regulatory scrutiny, universities may need to introduce additional review and assurance processes before communications can be signed off. This may delay information being updated and published for students in a timely manner. We therefore recommend that OfS reconsider the inclusion of positive requirements and instead look to the sector to share and adopt good practice, as set out elsewhere in this response.

Universities UK

Question 6 – What are your views on the proposed negative requirements (things that a provider must never do to treat students fairly), including those set out in the OfS prohibited behaviours list?

We would welcome further clarification regarding the proposed prohibited behaviours relating to price increases and contractual variation.

For example, the consultation prohibits allowing a provider to increase the price payable without giving the student the right to cancel the contract. However, higher education providers operate within a policy environment where tuition fee levels may be determined or amended by government. In the recent Post-16 White Paper, DfE indicated a commitment to increase tuition fee caps in line with inflation and to introduce fee differentiation based on quality. Providers should not be placed in a position where compliance with government policy or future regulatory requirements, particularly regarding fee income, could inadvertently place providers in breach of the condition.

We are also concerned by aspects of the proposed prohibited behaviours list that, as elsewhere, move beyond existing consumer protection law. In several places the consultation proposes that certain contractual terms should always be regarded as unfair, rather than potentially unfair depending on the circumstances. Given the diversity of higher education provision, student populations and partnership arrangements, we do not consider it appropriate to make such determinations without reference to context or the wider contractual arrangements within which particular terms operate.

We support the proposal to prohibit aggressive commercial practices and are pleased to see that this is broadly consistent with the principles underpinning UUK and GuildHE's Fair Admissions Code of Practice. There is clear conceptual overlap between the proposed requirements and existing sector-led expectations, particularly in relation to avoiding undue pressure on applicants' decision making.

However, the OfS should ensure that any requirements in this area are implemented in a way that respects providers' autonomy in admissions, as protected by legislation. Providers must retain the freedom to determine whom they admit, provided they do so within the law and in accordance with applicable regulatory requirements.

Many providers already meet the underlying objectives of the proposed condition through compliance with the UUK and GuildHE Fair Admissions Code of Practice. The OfS should therefore take care not to create a parallel set of requirements in a way

that creates unnecessary duplication or uncertainty. Where providers are operating in accordance with the Fair Admissions Code, the OfS should seek wherever possible to align its expectations with established sector practice rather than introducing divergent approaches or terminology.

More broadly, the sector has invested considerable effort in aligning information, advice and guidance with existing consumer protection requirements, including guidance produced by the Competition and Markets Authority (CMA). Significant divergence between the proposed OfS approach and established consumer protection frameworks risks creating confusion for students, providers and other organisations involved in supporting prospective applicants.

Question 7 – What are your views on our proposal that the condition should apply to all students, including prospective, current and former students (as defined in the condition) and those on apprenticeships or employer-sponsored courses?

We agree that fair treatment should not be limited solely to a student's period of active study. However, as we set out below, OfS should clearly define the extent of providers' responsibilities towards prospective and former students and ensure that expectations remain proportionate to the nature of the relationship in each case.

For prospective students, we recognise the importance of ensuring that individuals are provided with accurate and reliable information when making decisions about higher education. However, the condition should apply only from the point at which an applicant accepts an offer and enters into a contractual relationship with a provider. Extending the condition to earlier stages of engagement would create significant uncertainty regarding when an individual becomes a prospective student for regulatory purposes, particularly given the wide range activities (eg outreach, information gathering activities) that may occur before an application is made. It would not be proportionate or practical to place regulatory obligations on providers from the point of first engagement.

We support in part the inclusion of former students within the condition, recognising that issues relating to the student experience may emerge only after the formal relationship with the provider has ended. However, this should not create duplication with, or cut across, existing routes for redress, including the OIA scheme or the provisions of the Limitation Act 1980. It should also not require unnecessary retention of data. To ensure alignment with the wider legal and regulatory framework, any obligations relating to former students should be subject to an appropriate limitation period. A six-year period, consistent with the Limitation Act,

would provide clarity and certainty for both students and providers while avoiding the creation of open-ended obligations.

We do not support the proposed inclusion of apprentices and students on employer-sponsored courses within the scope of the condition as currently drafted. These arrangements involve multiple parties, including employers, training partners and professional bodies, each with distinct responsibilities and legal obligations. Providers do not have direct control over many aspects of the apprentice or sponsored student's experience, and it would therefore be inappropriate to hold them accountable for matters that sit outside their reasonable control. Extending the condition in this way risks creating significant additional regulatory burden and complexity, with little evidence that it would improve outcomes for students. The cumulative effect of such requirements could even discourage providers from delivering apprenticeship provision, reducing opportunities for learners and employers. At a minimum, the OfS should clearly define the limits of provider responsibility and ensure that accountability is confined to matters that providers can reasonably influence.

We support the principle that students studying through transnational education (TNE) arrangements should be treated fairly and receive appropriate protections. However, we do not consider that the current proposal gives sufficient weight to the practical and legal complexities of delivering TNE. Providers operate across a wide range of legal, regulatory and cultural contexts, where local requirements relating to consumer protection, student rights and contractual arrangements may differ from, or in some cases conflict with, those applicable in England. The English courts have no direct police power to enforce English law on foreign soil and the OfS has no regulatory authority outside England. Providers should not be required, either directly or indirectly, to impose English law or English regulatory approaches outside England. The OfS must clarify how it expects providers to comply where overseas legal requirements diverge from the proposed condition. The condition should explicitly recognise that providers must retain the flexibility to act fairly towards their TNE students while complying with the laws and regulatory requirements of the jurisdictions in which they operate.

At present, the consultation does not adequately explain what the proposal is intended to achieve in practice, nor how compliance would be assessed in foreign circumstances. We therefore recommend that the condition is revised to provide this detail and to make clear that:

- Providers delivering TNE must operate in compliance with the laws and regulatory requirements of the jurisdictions in which they operate.
- Where foreign legal or regulatory requirements differ from the expectations set out in the condition, compliance should be assessed with due regard to those local obligations, recognising the extraterritorial limitations of English law and English regulation.
- Providers should retain flexibility in how they demonstrate fairness and student protection, taking account of local legal, regulatory and cultural contexts.
- Providers should only be held accountable for matters that are reasonably within their control.

Where provision is delivered through partnerships or collaborative arrangements, providers will require clarity regarding how compliance with the condition will be assessed and how responsibility will be assigned between the relevant organisations.

Question 8 – What are your views on the inclusion of ancillary services within the scope of the condition? Please explain your views, including whether there are particular ancillary services that should or should not be included.

We agree that ancillary services that are integral to the admissions process and educational experience should fall within scope. Providers should remain accountable for the quality of the student experience where they choose to rely on such services as part of their offer, including through appropriate due diligence, contractual arrangements where possible, communication with students and action to address risks where they arise. However, for the condition to be effective and proportionate, OfS should focus regulatory responsibility only on services where providers can reasonably exercise oversight or influence and can take meaningful action to protect students, rather than extending the condition to areas where providers have little practical ability to prevent or remedy poor delivery.

The current proposals do not sufficiently address the practical and legal issues that arise where ancillary services sit beyond a provider's direct control, including:

- The extent to which providers can reasonably be held responsible for the actions of independent third-party suppliers. While in some cases providers will have formal contractual arrangements that set expectations and enable

oversight, in other cases relationships may be indirect, limited or mediated through students themselves, making accountability less clear-cut.

- The oversight, monitoring and intervention that would be required to demonstrate compliance.
- The allocation of responsibility where students engage directly with ancillary service providers, particularly where the contractual relationship is between the student and the third party.
- How such expectations align with established principles of consumer and contract law.
- Whether digital service providers fall within scope. Given the number and diversity of digital providers that institutions rely on to support the student experience, bringing these services within scope could create a significant and potentially unworkable compliance burden.

These issues are particularly significant for small and specialist providers, whose delivery models often rely on third-party arrangements to support the student experience.

We are also concerned that the proposals could result in students' unions being brought within scope. The effectiveness of students' unions relies on their ability to operate independently from their partner institution, with their own governance arrangements, legal responsibilities and accountability mechanisms. It would therefore be inappropriate for providers to be held responsible for the delivery of services that sit within the remit of an independent students' union. The OfS should explicitly clarify that students' unions and their activities are outside the scope of the condition. This would be consistent with the approach taken in recent legislation, including the Higher Education (Freedom of Speech) Act 2023, which recognises students' unions as independent bodies with their own statutory responsibilities and accountability arrangements.

The OfS should also carefully consider interactions with existing regulatory conditions and expectations. Services captured by the ancillary services definition, including student accommodation, are already subject to oversight through other regulatory frameworks, statutory duties or sector-led arrangements (eg UUK and GuildHE's Accommodation Code of Practice). Any new requirements should be proportionate

and complementary to existing arrangements, rather than creating overlapping expectations.

Question 9 – What are your views on applying the condition to services delivered by third parties on behalf of providers (including ancillary services and services provided by agents)?

As outlined above, we support the condition applying to services delivered by third parties where those services are integral to admissions processes or the educational experience of students, and where providers can reasonably exercise oversight and influence over their delivery. This should include services delivered by contracted third parties acting on a provider's behalf, where accountability should remain with the provider. Providers should not be able to avoid accountability simply because a service is outsourced. At the same time, the condition should distinguish between responsibility for arrangements that providers have put in place and responsibility for independent third parties over whom they have no control. It would not be proportionate to hold providers responsible for failures arising wholly from service delivery arrangements that sit outside their reasonable influence.

This is particularly relevant in areas such as disability support. For example, Disabled Students' Allowance (DSA) assessments are delivered through third-party organisations operating within arrangements established by government. Providers have limited ability to influence whether assessments are undertaken within a reasonable timeframe or whether those services operate effectively. In those circumstances, it would not be appropriate for OfS to treat providers as directly responsible for delays or failures in the operation of DSA assessment services themselves. However, that should not remove the expectation that providers support students to navigate those arrangements, communicate clearly about available support, and take reasonable steps within their own control to mitigate adverse effects on the student experience.

We agree that providers must remain accountable for the conduct of recruitment agents, domestic and international, acting on their behalf where a contractual relationship is in place. This should include the accuracy of information provided to applicants and compliance with UUK and GuildHE's Fair Admissions Code of Practice and the Agent Quality Framework. Any new OfS requirements in this area must be proportionate and risk-based and should build on existing sector frameworks and regulatory requirements rather than creating additional or parallel reporting obligations.

Since April 2026, under UKVI Student Sponsor Guidance, sponsors have been required to provide a comprehensive list of all international recruitment agents and third parties used in international recruitment, including one off arrangements. They must also notify UKVI of changes within prescribed timescales and maintain detailed records of agent involvement at individual CAS level. This represents a substantial and ongoing administrative requirement, with extensive information already collected centrally by government. OfS should ensure that its expectations are clearly aligned with existing UKVI requirements and avoid creating duplicate obligations. The OfS should also be clear about how information collected through these arrangements can be used to support sector-wide compliance, oversight and risk-based regulatory activity. We also support its intention to extend expectations in this area to domestic recruitment agents, recognising the importance of consistent standards of transparency and applicant protection across both domestic and international recruitment activities.

More broadly, we are concerned by activity by unofficial, non-affiliated recruitment agents targeting prospective students where they are presenting misleading or incorrect information, and/or claiming to be connected to providers with no basis for these claims. We are committed to working with the DfE, Student Loans Company, and OfS to explore a coordinated approach to tackling this behaviour.

Question 10 – What are your views on our proposal that all registered providers should be required to publish specified documents on a single, easily accessible webpage?

You may want to comment on the clarity and appropriateness of the specified documents, and the impact on students or providers.

We agree that students should be able to access key information easily, in a transparent and accessible format.

We welcome the proposal to allow providers to maintain a single webpage that signposts students to relevant information held elsewhere. This approach has the potential to improve accessibility and navigation for students while avoiding the need for providers to duplicate or migrate significant volumes of content. We encourage the OfS to work with students and the sector to develop examples of good practice, including what constitutes a clear, accessible and student-friendly presentation of information.

However, we strongly disagree with a mandated “one click” requirement. Such an approach could incentivise providers to rely on static documents or PDF-based repositories of information in order to demonstrate compliance. This raises issues for ensuring content remains up to date can be viewed in the context of other relevant policies, and accessibility for assistive technology. In addition, mandating a “one click” approach could create burden for providers, requiring significant restructuring of existing digital content. The primary objective should be ensuring that information is clear, current and easy for students to navigate. This may be best achieved through a central information hub that signposts students to dedicated webpages covering specific topics, rather than requiring content to be consolidated into a single location.

As noted elsewhere in our response, the practical operation of these requirements will also depend on the scope of the condition. Different groups of students require access to different information depending on their circumstances, mode of study and stage in the student lifecycle. If the OfS intends for the condition to apply equally to prospective, current and former students, it is unclear how a 'single page' requirement could be implemented effectively. The breadth and diversity of information relevant to these different groups would make compliance challenging and could undermine the accessibility and usability objectives that the proposal is intended to support. To ensure that information requirements remain proportionate and relevant to different audiences, we would recommend the use of landing pages that are applicable to the different cohorts of students.

We support proposals to improve transparency around subcontractual provision and the information available to students about delivery arrangements and contractual responsibilities. This aligns with recommendations made through the UUK, GuildHE and Committee of University Chairs framework on franchising governance, which emphasises the importance of clear accountability and accessible information for students.

We also welcome the proposal to remove the requirement for Student Protection Plans (SPPs) as a set of standalone documents. However, we believe there remains value in retaining clear information about teach-out arrangements and protections for students in circumstances where provision is discontinued or significantly changed, including course, department or campus closures. The OfS should consider how the key protections currently contained within SPPs can be preserved within the new framework.

Universities UK

Question 11 – We are proposing that we should remove ongoing condition C3 and instead protect students through the proposed requirements of ongoing condition C6 as well as existing ongoing condition C4. Do you support this proposal?

Yes

We agree with the OfS's assessment that SPPs have limitations as a regulatory mechanism and have previously raised concerns regarding their effectiveness. We therefore support the proposal to remove ongoing condition C3 and incorporate student protection measures within a more coherent regulatory framework.

We welcome the opportunity to reduce fragmentation across the regulatory system and move away from a standalone requirement that is linked to OfS approval processes and public risk assessments. While governing bodies will continue to assess institutional risks as part of their wider responsibilities for student protection and organisational resilience, removing the requirement for a public risk profile reduces the potential for misinterpretation and unintended reputational consequences.

At the same time, we would caution that while the removal of SPPs is appropriate, the most effective elements of current arrangements must not be lost in the transition to the new framework. Providers value the role that SPPs have played in consolidating key information relating to teach-out arrangements and student protection measures in the event of course or provider closure.

To respond to concerns raised by the Education Select Committee regarding protecting students in cases of provider failure, we recommend that the OfS revisits conditions C4. This would enable the OfS to take a more targeted, proportionate and risk-based approach, focusing its most intensive regulatory attention on providers where there is evidence of material risk, while allowing a lighter-touch approach for the wider sector.

Question 12 – We are proposing that the requirement to treat students fairly would come into immediate effect, but a provider would have longer to comply with the requirements relating to publication. To what extent do you think this approach is reasonable? Please give reasons for your answer.

We are not persuaded that the proposed distinction between the implementation of the substantive requirements and the publication requirements is workable in practice. We recognise the importance of these protections being in place for students and agree this should remain a priority. However, as set out earlier in our response, we would challenge the suggestion that there is an urgent need for the

proposed changes, or that current processes are inadequate. We are confident that existing arrangements are working well, and the evidence does not support the level of urgency implied by the proposed approach to implementation. Many of the behaviours and expectations set out within the condition depend upon students having access to clear, accurate and accessible information which, as stated above, may take time. Given the proposed condition introduces a number of new expectations that go beyond existing consumer protection requirements, teams that are already operating in a challenging environment will need time to review policies and procedures to ensure compliance with the new condition. Once the final requirements have been established and the consultation outcome and new condition published, OfS should engage further with the sector to determine a reasonable timeframe for implementation.

The OfS has also consistently emphasised the importance of student engagement, governing body oversight of regulatory compliance and ensuring that institutions have sufficient time to fulfil these responsibilities properly. Separating these implementation timetables risks creating uncertainty for both providers and students during the transition period.

Finally, the proposed timetable risks limiting the development of supporting guidance and good practice materials. Sector-led guidance can play an important role in supporting consistent implementation and reducing burden. The OfS should allow sufficient time for providers and representative bodies to develop and share good practice before the condition becomes fully enforceable.