



Lancaster University Students' Union response to:

Proposals for a new approach to consumer and student protection

Consultation on proposals for a new ongoing condition of registration:
Treating students fairly

June 2026

PROPOSAL 1

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?** [Strongly support • **Support** • Neither support nor oppose • Oppose • Strongly oppose]

Please **provide any comments** you wish to share to explain your response.

We support the intended "cultural shift" towards the prioritisation of fairness for students by university leaders [point 35, page 15]. In our view, Student Protection Plans as constituted in C1 (Guidance on consumer protection law) have resulted in little meaningful positive protection for students' rights.

We would welcome a condition, and accompanying regulatory regime, that would effectively and independently monitor the material components of students' experiences of Higher Education. Our expectation would be that the regulator would actively intervene, and seek independent assessment, where necessary.

PROPOSAL 2

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? [**Strongly support** • Support • Neither support nor oppose • Oppose • Strongly oppose]

Please **provide any comments** you wish to share to explain your response.

The requirements outlined in the proposal (point 43-45, page 17) seem sensible and appropriately clear and robust.

We welcome stronger action against aggressive commercial tactics (point 97, page 29). We would like to see clear action taken to prohibit “the use of academic sanctions for non-tuition fee debts” [CMA, *UK higher education providers – advice on consumer protection law*, May 2023, p8] and in the current Higher Education climate “changes that affect material information” [CMA, *UK higher education providers – advice on consumer protection law*, May 2023, p7]. Particular attention should be made to misleading actions as a result of staff redundancies or changes to programmes as a result of redundancies – see CMA examples (a) and (c) [CMA, *UK higher education providers – advice on consumer protection law*, May 2023, p34].

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? [**Strongly support** • **Support** • Neither support nor oppose • Oppose • Strongly oppose]

Please **provide any comments** you wish to share to explain your response.

We welcome stronger action against aggressive commercial tactics (point 97, page 29). We would like to see clear action taken to prohibit “the use of academic sanctions for non-tuition fee debts” [CMA, *UK higher education providers – advice on consumer protection law*, May 2023, p8] and in the current Higher Education climate “changes that affect material information” [CMA, *UK higher education providers – advice on consumer protection law*, May 2023, p7]. Particular attention should be made to misleading actions as a result of staff redundancies or changes to programmes as a result of redundancies – see CMA examples (a) and (c) [CMA, *UK higher education providers – advice on consumer protection law*, May 2023, p34].

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 are happy with the principles listed in the proposal and draft condition. We feel they effectively cover the breadth of concerns we have around students' rights as consumers.

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 agree with the scope of the positive requirements and welcome the inclusion of agents as functionaries of the institution (point 82, p23).

Without much more detailed clarification of expectations, we feel the use of "all reasonable steps" is an ineffective means to ensure students are well-informed on their contracts and consumer rights (point 63, p20). As it stands, our opinion would be that such vague wording will result in no meaningful action on the part of some providers. The OfS should provide concrete examples of the steps or actions a provider could take to be deemed successful in this regard. The same can be applied to the provision of independent advice for complainants (point 71, p21).

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?

When setting out negative requirements, we would encourage the OfS to do so in a manner that allows continual review and development to keep-pace with developing sector practices (point 55, p19).

We hope that the negative requirements outlined in C6 will give the OfS the powers to act swiftly against the fraudulent or disreputable provision. It is our view that these providers and their agents erode the reputation of UK Higher Education as a whole.

Without much more detailed clarification of expectations, we feel the use of "all reasonable steps" is an ineffective means to ensure students are well-informed on their contracts and consumer rights (point 63, p20). As it stands, our opinion would be that

such vague wording will result in no meaningful action on the part of some providers. The OfS should provide concrete examples of the steps or actions a provider could take to be deemed successful in this regard. The same can be applied to the provision of independent advice for complainants (point 71, p21).

PROPOSAL 3

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 struggle to foresee how the provisions of condition C6 could be applicable for alumni as outlined in point 88, page 25. We would appreciate further clarity on the types of situations of the OfS is seeking to pre-empt for former students (point 112, p34).

Nevertheless, we welcome the consideration for current students and the information they received throughout their university experience. In particular, we value the overt inclusion of misselling to prospective students in the condition.

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 feel the OfS could do more to understand the centrality of “ancillary services” to students’ lived experience of University. Similarly, we feel more needs to be done to acknowledge the importance of these services in marketing for Higher Education providers. For instance, many institutions have invested heavily in library buildings and sports facilities as a key recruitment resources. In our own institution, the Collegiate system and the activities within (as delivered by Students’ Union volunteers) are a key selling point.

We would strongly encourage the OfS to place more emphasis on consumers’ rights around accommodation. To clarify, we agree that the OfS is not the regulating body in this regard. Nevertheless, it is important that the principles and requirements are actively applied where accommodation is marketed by providers as part of the experience. For instance; where on-campus accommodation is actively marketed as a core component of student life. Another example would be; where students are promised availability of accommodation in locations that are then oversubscribed as a result of the level of student recruitment. See The Banks Group, Study of the Demand for Student Accommodation: Mount Oswald, Durham, September 2024 (available here: <https://docs.planning.org.uk/20241122/87/SKQFA3GD0LA00/n51w6v8mxrhcpmom.pdf>).

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)?

Yes, please apply to all material parts of the HE experience on which the institution has control or significant influence.

We would encourage the OfS to include third party services and make due reference to selling points for institutions that sit outside of an institution's direct control. For instance; where a campus is advertised as "30 minutes by bus from the Lake District" we would expect the provider to demonstrate that it is taking all reasonable steps to secure the future of that transport route for future students by continually negotiating with the service provider.

PROPOSAL 4

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 welcome the single, easily accessible webpage and move to standardise the language used within it. We agree with the idea of comparability across the sector (point 153, p41) and feel it will help us when advising students (point 154, p41).

To ensure the condition is suitable for all providers, we feel space should be made for other ancillary services in the list within the proposal (point 156 b., p41). This could be a longer, more exhaustive list providers can select the services relevant to them. This would work well alongside the expectations in point 160, p42. It is important that contracts for these additional ancillary services are published in the same manner (point 174, p44).

PROPOSAL 5

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 • No]

Please **explain your answer**, giving specific reasons and including any alternative approaches you would like us to consider.

Student Protection Plans, as required by condition C3, proved to be an ineffective means of securing the experience of students during changes or closures.

We do, however, feel it would be negligent to ignore the original intent of condition C4 and Student Protection Plan to protect “material components” of students’ programmes of study. Though aspects of a programme that are advertised and offered to prospective students may be easily protected via C6 and consumer law (point 209, p51).

Nevertheless, we think there is a specific need to include consideration for aspects of study that materially impact experience if they are closed or cut. For instance; an optional module available in the final year of a programme, though not explicitly advertised to subsequent year groups, there is an expectation of future provision (and therefore informing the decision to continue study at that given provider). We would welcome any alternative provision that could cover this gap in students’ consumer protections.

PROPOSAL 6

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 agree with the need to give providers ample time to prepare materials to meet the publication requirements of condition C6 and feel the phased approach is reasonable.

ADDITIONAL QUESTIONS

Question 13

Please **share any comments** or feedback you have on proposed ongoing condition C6: Treating students fairly, as drafted in Annex C.

None

Question 14

How clear and helpful is the guidance to the condition as drafted in Annex C? If any elements of the draft guidance are unclear or could be more helpful, please specify which elements and provide reasons.

The guidance is broadly clear and useable for providers and student representative bodies.

Question 15

Are there aspects of the proposals you found were unclear? If so, **please specify** which, and tell us why.

As in our response to question 9, we feel there is a conflict between point 5. and consideration for third-party services and 9. in the draft guidance. Namely, that though the list of communication materials is appropriately exhaustive, the list of material components of the students experience that influence applicants' decisions needs to be far broader. In this regard, the guidance lacks usefulness for students, prospective students, and former students.

Question 16

In your view, are there ways in which the **objectives** of this consultation (as set out in the introduction to this consultation) **could be delivered more efficiently** or effectively than what we propose here?

None

Question 17

Do you have **any comments** about the potential **impact of these proposals on individuals** on the basis of their protected characteristics under equality legislation (see [Protected characteristics | EHRC](#) for a list of protected characteristics)?

We think it is an unfair characterisation to assume that students are not reading contracts and being misled because they are “young” (point 61, p20). The wording used elsewhere around “inexperienced consumers” (point 85, p25) is more appropriate.

Question 18

Do you foresee **any unintended consequences** resulting from the proposals in this consultation? If so, please indicate what you think these are and the **reasons** for your view

We don't foresee any unintended consequences.