

Guidance for providers about quality and standards during coronavirus (COVID-19) pandemic

Updated 28 January 2021

Summary

1. This document provides guidance for registered providers about how the OfS will approach the regulation of quality and standards matters during the period of disruption resulting from the coronavirus (COVID-19) pandemic. This guidance is in place until further notice.
2. We are taking a different approach in the current circumstances because it is difficult to anticipate the issues that may arise and normal approaches may not be appropriate in the extraordinary circumstances in which providers and their staff are operating.
3. Providers have made enormous efforts to ensure students can continue with their studies and we are confident that most registered providers have rigorous arrangements in place to maintain quality and secure standards. However, we have also heard from students that despite these efforts from providers, their learning and academic experience has been significantly disrupted. As a result, students may be anxious about arrangements for assessment and the award of qualifications.
4. We would expect providers to need to adapt normal arrangements to respond to the disruption and to put in place different approaches for teaching and assessment. If providers work within the scope of the guidance set out in this document, students and other stakeholders can be confident that the outcomes delivered for students are meaningful and reliable.
5. Providers should make all reasonable efforts to enable students to complete their studies, for achievement to be reliably assessed, for qualifications to be awarded securely, and for admissions processes to be operated fairly and robustly. Providers will be making, or will have already made, these arrangements and we do not expect to take any regulatory action where we consider that reasonable efforts have been made to protect the interests of students and where standards have not been compromised. We will, as a matter of course, take into account the impact of the pandemic on a provider's ability to satisfy conditions of registration.
6. In this context it is important that all providers consider how their approaches to the current situation will affect all students, and in particular those who might be most vulnerable to disruption. This includes students suffering from coronavirus or who need to self-isolate, international students, and students unable or less able to access remote learning for whatever reason, together with care leavers, those estranged from their families, and students with disabilities.
7. During this period, we are using two primary mechanisms to ensure we are able to identify cases about which we may have regulatory concerns. First, we are requiring a provider to report to us when it intends or expects to cease teaching some or all of its courses to one or more groups of students. Second, we will continue to encourage students and other third

parties to notify us of any concerns about the arrangements put in place by an individual provider.

8. We are mindful that providers may have reduced capacity to respond to new regulatory action at this time. We do not therefore expect to initiate any action in relation to performance on student outcomes until normal regulatory activity is resumed. As set out in our letter of 25 March 2020 we are also temporarily suspending regulatory activity in relation to Quality and Standards Reviews that were undertaken for some providers after their registration. When we do resume normal activity, we will set out clearly our expectations and the timescales in which requirements will be reimposed.¹
9. Providers are able to contact the OfS at regulation@officeforstudents.org.uk or on 0117 931 7305 (0900 to 1700, Monday to Friday) if they have any questions about this guidance.

Introduction

10. All registered providers are subject to ongoing conditions of registration relating to quality and standards – these are collectively referred to as ‘the B conditions’ and are as follows:

Condition B1: The provider must deliver well-designed courses that provide a high quality academic experience for all students and enable a student’s achievement to be reliably assessed.

Condition B2: The provider must provide all students, from admission through to completion, with the support that they need to succeed in and benefit from higher education.

Condition B3: The provider must deliver successful outcomes for all of its students, which are recognised and valued by employers and/or enable further study.

Condition B4: The provider must ensure that qualifications awarded to students hold their value at the point of qualification and over time, in line with sector recognised standards.

Condition B5: The provider must deliver courses that meet the academic standards as they are described in the Framework for Higher Education Qualification (FHEQ) at Level 4 or higher.

11. Conditions B1, B2, B3 and B4 relate in whole or in part to ‘quality’. Conditions B4 and B5 relate in whole or in part to ‘standards’. These conditions apply to all higher education courses as defined in the regulatory framework, regardless of whether or not a course is an ‘eligible course’ for student support purposes, or attracts OfS public grant funding. Further information about these conditions can be found in the OfS’s regulatory framework.²

12. This document contains guidance about:

¹ See www.officeforstudents.org.uk/publications/regulatory-requirements-during-the-coronavirus-covid-19-pandemic/.

² See www.officeforstudents.org.uk/advice-and-guidance/regulation/the-regulatory-framework-for-higher-education-in-england/. The OfS is currently consulting on its future approach to the regulation of quality and standards, but at the present time the conditions set out in the published regulatory framework remain in force.

- Maintaining the quality of courses and student support
 - Securing the standard of qualifications and credit
 - Student protection considerations, including consumer protection law.
13. It is designed to help providers to address the immediate issues they are facing in the continuing period of the pandemic. We will continue to monitor and provide updated guidance as the situation develops and will take into account the operating context for different providers.

The OfS's approach to regulating quality and standards

14. The B conditions are an important part of the OfS's regulatory approach as they set out requirements to ensure that courses are high quality, students are supported and achieve good outcomes, and standards protected. These are matters of significant importance to students and so maintaining regulatory oversight during this period of disruption remains necessary.
15. The B conditions are expressed as a minimum baseline that all providers are required to meet, but the OfS does not prescribe how a provider should do so. This reflects the OfS's approach as a principles-based, rather than a rules-based, regulator as it recognises that specifying particular approaches to be followed risks tick-box compliance on the part of providers and would stifle innovation and diversity of approaches.
16. This means that each provider is free to meet requirements in a way that it considers appropriate for the context in which it is operating. This is the case in a normal operating environment. It is also the case in the current extraordinary environment created by the coronavirus pandemic. The OfS's outcomes-based approach to regulation, therefore, provides significant latitude to providers to make good decisions about how they may need to adapt their approaches to the delivery of courses and the award of qualifications and credit in the current context. In doing so, providers may wish to consider guidance that is published by other bodies, for example, the advice and guidance set out in the UK Quality Code or otherwise provided by the QAA, but it is important to note that such guidance does **not** set out regulatory requirements and providers are free to take a different approach.
17. Providers will, however, wish to give appropriate consideration to the requirements or guidance of any professional, regulatory or statutory bodies (PSRBs) that accredit their courses.
18. Our expectation is that providers should make all reasonable efforts to enable students to complete their studies. We continue to expect achievement to be reliably assessed, qualifications to be awarded securely, and for admissions processes to be operated fairly and robustly. Providers will already be making these arrangements and we expect only to take regulatory action where we consider that reasonable efforts have not been made to protect the interests of students or where standards have been compromised. We will, as a matter of course, take into account the impact of the pandemic on a provider's ability to satisfy conditions of registration.
19. During this period, we are using two primary mechanisms to ensure we are able to identify cases about which we may have regulatory concerns about quality or standards:

- We are requiring a provider to report to us when it intends or expects to cease teaching some or all of its courses to one or more groups of students, and we are likely to seek further information as a result of such a report. We have published further information about our reduced reporting requirements.³
- We will continue to encourage students and other third parties to notify us of any concerns about the arrangements put in place by an individual provider. Such notifications, in particular, will be important to help us identify any providers that may not have made reasonable efforts to protect the interests of their students. We are working with students and students' unions to identify any serious concerns that students may not have access to the learning resources and support they need for their courses, and where necessary engage with providers about this. As part of our normal regulatory approach we also consider the number and pattern of complaints to the Office of the Independent Adjudicator (OIA) and we will continue to use this information to inform our assessments after the pandemic and so will be able to take into account issues raised by a provider's students.

20. In this context it is important that all providers consider how their approaches to the current situation will affect all students, and in particular those who might be most vulnerable to disruption. This includes students suffering from coronavirus or who need to self-isolate, international students, and students unable or less able to access remote learning for whatever reason, together with care leavers, those estranged from their families, and students with disabilities. Further guidance about providing support for students is provided below.
21. The obligations of a provider with degree awarding powers (an 'awarding body') continue to extend to students for whom it is the awarding body wherever and however those students study. We expect providers to apply this guidance to their UK-based partnership arrangements and their transnational educational activities, although we recognise that the specific actions taken by an awarding body to maintain quality and secure standards may need to vary for different delivery locations.

Maintaining quality during the pandemic

22. The coronavirus pandemic has caused many providers to make significant changes to the way they deliver higher education courses in order to comply with government advice and protect the health of their students and staff.
23. A provider is likely to continue to meet the OfS's conditions for quality and standards during this period if it has made all reasonable efforts to provide alternative teaching and support for students that is broadly equivalent to the provider's usual arrangements. In order to maintain quality there must be some form of support for students' learning following a change in the delivery of a course. Further information about the OfS's approach to these issues is set out below.
24. We recognise that many registered providers deliver higher education courses through partnership arrangements and that the distribution of responsibilities between partners can vary. Each registered provider is responsible for maintaining the quality of the courses it

³ Available at www.officeforstudents.org.uk/publications/regulatory-requirements-during-the-coronavirus-covid-19-pandemic/.

delivers. Where an awarding body validates or sub-contracts a course to another provider it remains responsible for quality, whether or not the delivery partner is registered with the OfS.⁴

25. Providers should consider the actions they need to take to support postgraduate research students. Where particular training, equipment, facilities, resources or specialist research staff cannot be made available to such students it may not be possible to provide the intended research programme to them during this period. Where that is the case, providers should consider options to reorganise or reschedule planned activities, taking into account the principles set out below in this guidance. Providers should discuss and agree with individual research students how they will progress their research during this period, or the arrangements that will be made if this is not possible. If a provider decides that it is not possible for such students to continue with their programme of research, it should report this to the OfS on the basis of the updated guidance on reporting requirements.

Delivering higher education courses

26. Condition B1 relates to the quality of courses and the academic experience of students. The elements of condition B1 that relate to assessment are addressed in the section on 'securing standards' below.
27. We are aware that providers have already transitioned to online delivery of existing courses. We recognise that in doing so a provider will have made judgements about how best to maintain the quality of courses and the learning environment for students.
28. The way in which a provider approaches changes to the delivery of its courses will depend on the normal arrangements for each course. For many courses it will be possible to transition to online delivery with minimal disruption. For other courses this will be more challenging. In either case, providers must make sure that they communicate clearly with students about the changes and the impact of these for students.
29. Providers will need to give particular consideration to whether and how online delivery can replace placement learning, studio, laboratory, practical or other specialist elements of courses. Providers should consider the impact on students of varying the delivery of such elements or not delivering particular elements at all. In these circumstances it is important for a provider to consider the extent to which all planned elements of the course are necessary, or not, or whether any elements could be moved to subsequent years of study. Providers should also clearly communicate with students about how they will be able to complete these components of the course and what arrangements will be made for this, if it is necessary, when face-to-face teaching can recommence. If a provider decides that it is not possible to continue delivery, either for all students, or for particular groups of students (including sub-contracted or transnational students), it should refer to the OfS's updated guidance on reporting requirements.
30. Providers must consider how the arrangements they have put in place, or plan to put in place, to deliver courses will affect the ability of different students to access teaching, particularly the most vulnerable. Providers should present reasonable options to students and consider feedback from students about the viability of those options for different student groups. For

⁴ Further advice on the OfS's approach to partnerships can be found in Regulatory advice 15: monitoring and intervention, paragraphs 90-93: www.officeforstudents.org.uk/publications/regulatory-advice-15-monitoring-and-intervention/.

example, where access to online resources is limited or unavailable to some students, providers should consider other options such as written or telephone correspondence where appropriate. It may also be the case that some students' situations are not currently conducive to study, and in such cases providers should consider what assurances they can offer students up front about what will happen if they choose to continue to study via a modified approach to delivery, but then are unable to do this successfully.

31. In all circumstances, providers should provide regular and clear communications to students to explain how remaining or ongoing teaching will be delivered.

Placements

32. The ability of providers to continue to support student placements at this time will be highly variable, and dependent on both the type of placement and an individual student's circumstances. If placements are disrupted, providers could:

- decide that the placement should no longer be required because students can demonstrate that relevant outcomes have been achieved by other means; this may be appropriate if the placement repeats achievement demonstrated in previous placements or in other assessment that has already taken place
- amend the planned placement, in terms of time or location to enable it to be completed
- substitute an alternative activity which allows students to demonstrate that relevant outcomes have been achieved to enable progression or the award of a qualification
- enable progression without the placement towards a different qualification, such as a degree without year in industry
- enable the student to take the placement at a later time when the placement is possible.

33. Where placements are taking place (and this is likely to apply particularly to healthcare students), students must be appropriately supported and supervised. Many health regulators and PSRBs have published guidance for students in this position.

Supporting students

34. Condition B2 relates to the support that all students need to be successful and benefit from higher education from admission through to completion.

35. When making changes to the delivery of their courses, providers need to consider how they support all students, particularly the most vulnerable, to achieve successful academic and professional outcomes. This includes consideration of where students may have different needs. Providers should also consider how they can continue to actively engage students, individually and collectively, in the quality of their educational experience.

36. We have set out some of the issues providers should consider here, but providers should be mindful of their own context, and the particular student groups they support. Providers should particularly consider the needs and requirements of the following:

- Vulnerable students and students from underrepresented groups, particularly in terms of access to resources, equipment and facilities to study.

- Students suffering from health problems relating to coronavirus or who now have additional caring responsibilities.
- Students who are also designated as key workers during the coronavirus crisis.
- Students with specific learning difficulties who may be disadvantaged by an alternative approach to teaching or assessment.
- Students across different subject groups.
- Students in their final year of study.

37. Providers should be aware that all students are likely to require increased pastoral support and resources to support their wellbeing. Providers should consider what additional support they can offer, within their own context, to maintain good student continuation and completion.

38. The OfS routinely receives notifications from students who wish to raise concerns about the provision of mental health and wellbeing support in individual providers. We would expect providers to take reasonable steps to put in place equivalent alternative arrangements for such support for all students during this period. We will continue to monitor notifications for evidence of widespread concerns from students.

39. Providers will need to continue to support students through the admissions process and take reasonable actions to ensure students are able to exercise informed choice about what and where to study. The OfS is likely to take regulatory action if it considers that a provider has taken advantage of the current exceptional circumstances to adopt admissions practices that are not in the interest of students. The OfS introduced Condition Z3, a time-limited condition of registration which prohibits any higher education provider from making 'conditional unconditional' offers to UK students, where the 'unconditional' element is conditional on the student making the provider their first or only choice, and from making false or misleading statements about other providers which have the intention or effect of discouraging students from attending them. Other unconditional offers to UK students that could materially affect the stability and integrity of the English higher education sector could also be found to breach the condition. However, to provide clarity for providers and students, the condition expressly permits unconditional offers to be made to UK students in certain specified circumstances. The OfS will continue to monitor the consequences of the proposed changes to assessment of Level 3 qualifications and will inform providers if it concludes there is a need for further action.⁵

Delivering outcomes for students

40. Condition B3 relates to the delivery of successful outcomes, which are recognised and valued by employers and/or enable further study, to all of a provider's students.

41. The coronavirus pandemic may affect the availability of some data relating to student outcomes to the OfS. Information from the graduate outcomes survey will continue to be collected. We already have access to the HESA Student Return, HESA Alternative Provider Student Return and ILR for the period 1 August 2019 to 31 July 2020. This data covers the period of the first lockdown and we worked with HESA to issue additional guidance to minimise burden and

⁵ See www.officeforstudents.org.uk/publications/regulatory-notice-5-condition-z3-temporary-provisions-for-sector-stability-and-integrity/.

ensure consistency in reporting. In constructing indicators using this data we will take full account of the special guidance. We are also aware that in some cases providers responded to the pandemic by restructuring programmes and this may impact some of the indicators we would normally construct; we would expect to take this context into account when considering these indicators.

42. The OfS's regulatory judgements in relation to student outcomes always take account of the context in which a provider operates. This will also continue to be the case as we consider the performance of providers during the period of disruption caused by the coronavirus pandemic. Any action we take is also governed by considerations of proportionality. When we next consider the performance of providers in relation to the outcomes delivered for their students in relation to the 2019-20 and 2020-21 academic years, we will take full account of the particular challenges students and providers are facing in this period.
43. We are mindful that providers may have reduced capacity to respond to new regulatory action at this time. We do not therefore expect to initiate any action in relation to performance on student outcomes until normal regulatory activity is resumed. When we do resume normal activity, we will set out clearly our expectations and the timescales in which requirements will be reimposed.⁶

Securing standards during the pandemic

44. The coronavirus pandemic has caused many providers to make, or plan to make, significant changes to the way they assess student achievement and award qualifications and credit. These decisions are set against significant and widespread disruption to students' lives and their ability to study and learn effectively. We therefore expect providers to consider (a) the assessment and awarding arrangements necessary to recognise the impact of the pandemic on the learning of all students; and (b) the arrangements necessary for students whose individual circumstances are not effectively addressed by (a).
45. Awarding bodies are likely to have provisions in their academic regulations for use in the event of significant disruption to normal assessment and awarding arrangements. Wherever possible, we expect an awarding body to make use of these provisions, adapting them where necessary for the current situation. Awarding bodies must also determine the appropriateness of existing and emergency procedures for courses delivered through sub-contractual or validation arrangements and communicate effectively with their partners to ensure that these arrangements are followed. Ultimately, an awarding body must take responsibility for the impact of any proposed changes on its ability to secure standards.
46. As they identify appropriate alternative arrangements for assessment and awards, providers may wish to consider the extent to which it is possible to use normal practices for marking, moderation, external examining, and the operation of examination boards. Such assurance processes and the use of external expertise are likely to be helpful in gaining assurance that an awarding body's standards are secure and its qualifications hold their value, but there may be alternative approaches that deliver such assurance and providers are encouraged to adopt flexible approaches.

⁶ See www.officeforstudents.org.uk/publications/regulatory-requirements-during-the-coronavirus-covid-19-pandemic/.

47. Providers without their own awarding powers should follow the arrangements put in place by their awarding body. For example, a provider with approval to deliver Higher National qualifications through Pearson should have a policy for dealing with extenuating or mitigating circumstances and assessment regulations, which can be applied flexibly during this period. Such providers should also follow any specific guidance published by Pearson in relation to these issues.
48. A provider is likely to continue to meet the OfS's requirements for quality and standards during this period if it has assessed students' achievement reliably and, if it is an awarding body, made sound judgements about the circumstances in which it is able to award qualifications and credit. In order to secure standards, awards should not be made without reliable evidence of student achievement – the award of qualification and credit needs to be based on evidence and an awarding body needs to exercise good judgement about what may constitute sufficient evidence in these circumstances.
49. We recognise that, where circumstances and patterns of assessment permit, awarding bodies are likely to introduce policies that will reduce pressure on students in the current difficult circumstances, such as 'safety net' or 'no detriment' policies. The approach taken by individual awarding bodies will vary and there is no single right approach.
50. When making decisions about the approach to take, we expect individual awarding bodies to:
- a. Give adequate and sympathetic consideration to the disruption caused to students' learning and experience since the beginning of the pandemic.
 - b. Ensure that standards remain secure as set out in the sections that follow.
 - c. Ensure that unnecessary burden is not placed on students, for example by requiring significant numbers of individual students to rely on mitigating circumstances policies where they have all been affected by similar issues, or by allowing submission deadlines to bunch together for individual students.
 - d. Make reasonable efforts to consult with their students as they develop and implement their approach.
 - e. Consider their statutory obligations under the Equality Act 2010 when reaching decisions about the actions they will take.
51. Wherever an awarding body makes changes to its approach, we expect the details of these changes to be published and made clear to affected students. This information must also be made available to students studying at validated or sub-contractual partners that may be affected by the changes.

Assessing student achievement

52. Condition B1 includes the requirement that a student's achievement will be reliably assessed.
53. We are aware that, in many cases, providers have already set out changes to assessment and examination arrangements. We recognise that in doing so a provider will have made judgements about how best to ensure that student achievement is reliably assessed.

54. In some cases, it will be possible to continue with assessment as originally planned. In others, this will not be possible. Assessment takes a wide range of forms, and individual elements of assessment combine in different ways to make up the overall assessment requirements for each module, unit or course. Providers will need to determine the extent to which each component of assessment is necessary to determine the award of credit or a qualification. This might include considering the removal of a component of assessment, revision of a component, substitution of one component for another, or deferral of a component to a later date.
55. In the current environment, an awarding body should actively consider whether it can award credit, or deem modules or units to have been successfully completed, where students have not completed all planned assessments, and should do so wherever possible. Awarding bodies will need to judge the extent to which there is sufficient evidence to determine that outcomes at the appropriate level have been achieved and this may be different for different modules and students.
56. An awarding body may consider it appropriate to exercise greater flexibility in its requirements for assessing student achievement for students who are not approaching the end of their course, for example, for students progressing from earlier years of study.
57. With an increased reliance on online learning providers should ensure there is clear guidance in place for their students on what represents contract cheating and the consequences of this.
58. Plans for continuing with assessment as originally intended, as well as any plans for alternative approaches, should take account of the needs of different student groups, and of students directly impacted by coronavirus, who may either be experiencing health problems themselves, or caring for others. This may require flexible use of a provider's normal approach to considering mitigating circumstances.
59. If a provider decides it cannot make a reliable assessment because there is insufficient evidence that students have achieved required outcomes it will need to make arrangements for students to be assessed when it is possible to do so. In these circumstances a provider could also consider offering students the choice to complete the outcomes for a different qualification where standards can be maintained.
60. Providers should ensure that their approach to making reasonable adjustments to assessment arrangements for students with a disability remain appropriate and effective in the current environment.
61. A 'one size fits all' approach may not be appropriate – providers should consider whether they can offer a choice of options for students to account for different needs and contexts.
62. Providers should consider whether they need to make changes to the way they assess postgraduate research degrees in the current period. This is likely to include arranging remote vivas. In the decisions that they make about the assessment of research degrees, providers are encouraged to consider previously published good practice and guidance, but should in all circumstances ensure that the approaches they adopt are sufficient to secure standards.

Meeting sector recognised standards

63. Condition B5 requires providers to deliver courses that meet the academic standards described in the Framework of Higher Education Qualifications. The sector recognised standards adopted by the OfS for regulatory purposes are available alongside our regulatory framework.⁷
64. These standards relate only to the threshold level of achievement required for the award of credit or a qualification. They do not relate to the classification of qualifications: the section below, 'Ensuring qualifications hold their value', deals with these issues.
65. An awarding body will need to make sound judgments underpinned by clear academic rationale about the basis on which credit and qualifications may be awarded in the current circumstances. Where the normal range of evidence of student achievement is not available, this will need particular care and a provider should record the approach it has taken, the factors it considered, and the reasons for its decisions.
66. The sector recognised standards adopted by the OfS include the credit volumes 'typically' associated with the award of a particular qualification. In a normal operating context, an awarding body is able to exercise judgement about the credit requirements for its qualifications, taking into account these typical volumes. Where qualifications are not designed in a credit-based model, an awarding body similarly is able to determine the equivalent volume of learning required at each level for the award of a qualification.
67. In the current environment, an awarding body should actively consider whether it could award qualifications where students have not completed all planned credit requirements, and should do so wherever possible. Awarding bodies will need to judge the extent to which there is sufficient evidence to determine that outcomes at the appropriate level have been achieved and this may be different for different courses and students. Providers that do not have their own degree awarding powers should ensure they follow the advice and any amended requirements of their awarding body or awarding organisation.
68. Providers that deliver courses that are accredited by a PSRB should discuss with the PSRB how its requirements should be applied in the current exceptional circumstances and establish where flexibility can be applied without undermining professional standards. If a PSRB considers that the alternative arrangements proposed by a provider are not appropriate this may mean that it is necessary to defer relevant aspects of the course until these can be delivered as required. If a PSRB decides it will no longer accredit a course due to changes made in these exceptional circumstances, this should be reported to the OfS as set out in our 'Guidance on reportable events during the coronavirus (COVID-19) pandemic'.⁸
69. Providers should prioritise putting in place the assessment and awarding arrangements needed for students who expect to complete their courses and be awarded qualifications in this academic year. Where decisions need to be taken about progression of students from one year or level of a course to the next, providers will need to judge whether there may already sufficient evidence of achievement available to allow them to make a decision. Such decisions

⁷ Available at www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/.

⁸ Available at www.officeforstudents.org.uk/publications/regulatory-requirements-during-the-coronavirus-covid-19-pandemic/.

should take into account any considerations about the impact of those changes on the ability of students to demonstrate achievement of the outcomes of the course as a whole, and any PSRB requirements.

Ensuring qualifications hold their value

70. Condition B4 requires providers to ensure that qualifications awarded to students hold their value at the point of qualification and over time.
71. An awarding body will need to make sound judgments about the basis on which it reaches decisions about the classification of awards in the current circumstances. Where the normal range of evidence of student achievement is not available, this will need particular care and a provider should record the approach it has taken, the factors it considered, and the reasons for its decisions.
72. If an awarding body is considering making changes to its degree classification algorithm as a direct response to the disruption caused by the pandemic, it must ensure such changes are reasonable. It should ensure that classifications are reliable and command public confidence and that students this year are treated equitably when compared with students from previous years. The OfS would expect to see a provider take reasonable steps to ensure that any changes to classification arrangements do not result in unwarranted grade inflation. The OfS is only likely to take regulatory action if it considers that a provider has deliberately or recklessly taken advantage of the current exceptional circumstances to increase the number of first or upper second class degrees it awards.

Complying with student and consumer protection requirements

73. We have published further guidance for providers about student and consumer protection during the coronavirus pandemic.⁹ As set out in that guidance, we will generally only take regulatory action where a provider has demonstrated significant disregard for Competition and Markets Authority (CMA) guidance, or a significant breach of consumer law that is not as a result of public health advice, or where reasonable efforts have not been made to protect the interests of students.

⁹ See www.officeforstudents.org.uk/publications/guidance-for-providers-about-student-and-consumer-protection-during-the-pandemic/.