

Annex A: List of consultation questions

Proposal 1: Introduce a new ongoing condition requiring fair treatment of students

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.

Proposal 2: Establish principles and requirements that are consistent with treating students fairly

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

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.

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.
5. What are your views on the 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?
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?

Proposal 3: Include all students, higher education and ancillary services in scope of the condition

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?
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.
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)?

Proposal 4: Require publication of specified documents and information

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.

Proposal 5: Remove requirements relating to student protection plans

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.

Proposal 6: Take a phased approach to implementation

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.

Additional questions

13. Please share any comments or feedback you have on proposed ongoing condition C6: Treating students fairly, as drafted in Annex C.
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.
15. Are there aspects of the proposals you found were unclear? If so, please specify which, and tell us why.
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?
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)?
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.