

# C3: Student Protection Plan

**Condition C3: The provider must:**

- i. Have in force and publish a student protection plan which has been approved by the OfS as appropriate for its assessment of the regulatory risk presented by the provider and for the risk to continuation of study of all of its students.
- ii. Take all reasonable steps to implement the provisions of the plan if the events set out in the plan take place.
- iii. Inform the OfS promptly of events, except for the closure of an individual course, that require the implementation of the provisions of the plan.
- iv. Regularly review and test the plan to ensure it remains current, viable, and effective.

## Summary

Applies to: all registered providers.

Initial or general ongoing condition: initial and ongoing condition.

Legal basis: sections 5 and 13 of HERA.

## Guidance

Condition C3(i)

'Student protection plan' means a document or documents approved by the OfS under the condition imposed under sections 5 and 13(1)(c) of HERA.

To register, a provider is required to produce a student protection plan which meets the requirements set out below. The purpose of a student protection plan is to preserve the continuation and quality of study for all of the provider's students whenever a risk to the continued study of students crystallises.

The student protection plan must be tailored to the specific circumstances of an individual provider. It must include the provider's assessment of the risks to the continuation of study of the provider's students, the likelihood that those risks will crystallise, and the severity of the impact on students should the risks crystallise. The range of risks considered by the provider should include, but not be limited to, the risk that:

- the provider as a whole is no longer able to operate or no longer intends to operate
- the provider is no longer able to award the qualifications for which its students are registered because the OfS has varied or revoked the provider's degree awarding powers, or a validating partner has withdrawn validation
- one or more of the locations at which the provider delivers courses to students is no longer available

- the provider is no longer able to deliver courses to students in one or more subject areas and/or departments
- the provider is no longer able to deliver one or more courses to students, particularly if course closures are likely in the next three years
- the provider is no longer able to deliver material components of one or more courses, particularly if there are areas of vulnerability, such as single person dependencies for teaching
- the provider is no longer able to deliver one or more modes of study to students, particularly if withdrawal of a mode of study is likely
- the provider is no longer able to recruit or teach a particular type of student
- a delivery partner or validated provision partner faces closure or withdrawal from partnership arrangements

On the basis of the provider's risk assessment, the plan must set out the measures that the provider has put in place to mitigate those risks that it considers to be reasonably likely to crystallise. This will include:

- Detailed operational procedures for implementing protection measures
- Comprehensive course mapping identifying specific alternative institutions that could provide continuation of study for different courses and student groups
- Confirmation of preliminary agreements with potential receiving institutions
- Data management arrangements ensuring student records are maintained in a format that facilitates transfer
- Data sharing agreements that enable prompt sharing of student information with relevant parties
- Communication protocols for engaging with students during periods of risk
- Staff retention strategies to maintain teaching quality during teach-out periods
- Arrangements to support students' accommodation needs during transition periods
- Specific provisions for international students, students with disabilities, and students with caring responsibilities
- The plan must make a commitment to offer students advice and support in the event that any of the risks to the continuation of study crystallise, including provision of one-to-one guidance where appropriate.
- The plan must contain a clear and comprehensive refund and compensation policy for cases where it is not possible to preserve continuation of study. This policy must address tuition fees, accommodation costs, maintenance costs, and additional costs resulting from changing location or provider.
- The plan must be revised at least annually to ensure that the risk assessment remains current and the mitigating measures remain practicable, relevant and effective. The governing body must formally review and approve the plan as part of this annual process. The plan must be produced in collaboration with students to ensure that their views, interests and needs are taken into account, and evidence of this collaboration must be documented. The plan must be published in a clear and accessible way.

#### Condition C3(ii)

A provider must implement the provisions of its plan when the events set out in the plan take place, following the timelines and processes established in the plan.

In judging whether a provider has implemented the provisions of its plan, material that the OfS may consider includes:

- a. Student complaints, whether to the OIA or elsewhere, that the provisions of the provider's plan have not been implemented as set out in the plan.
- b. Information from the provider about how it has implemented its plan.
- c. Evidence of appropriate communication with affected students.
- d. Evidence of reasonable adjustments made for students with specific needs.
- e. Feedback from receiving institutions about transfer arrangements.

#### Condition C3(iii)

A provider must inform the OfS promptly of any financial or operational challenges that might reasonably lead to implementation of the protection plan, even if the provider believes these challenges can be overcome.

A provider must engage openly with the OfS from the earliest indication of potential risk to student continuation and provide regular updates throughout the implementation of any protection measures.

#### Condition C3(iv)

A provider must conduct regular testing of its protection plan through simulations or scenario exercises at least once every two years, documenting the outcomes and implementing improvements as needed.

A provider must review its protection plan whenever there is a material change to its operations, partnerships, or financial position.

## **Assessment**

During the initial registration process, the OfS will complete a risk assessment for a provider to determine the extent of the risk of a future breach of any of its ongoing conditions of registration. The OfS will assess the provider's student protection plan in the context of this risk assessment and in the context of the provider's own assessment of risks to the continuation of study for its students. This will allow the OfS to decide whether the provisions of the plan are appropriate for the provider's circumstances and for its students.

Where the OfS considers there to be an increased risk of a future breach and/or an increase in the risk to students' continuation of study, it may require additional mitigation in the provider's student protection plan before this can be approved. It may also impose specific conditions of registration where it considers additional mitigation to be necessary.

Registration will not take place if the mitigations in a provider's student protection plan are considered inadequate to the risks identified by the provider or by the OfS.

A provider that is a further education college or a sixth form college will need to ensure that the measures in its student protection plan align with other student protection measures that apply in the further education sector, such as special administration regimes.

Where the OfS's routine monitoring activities identify a change in the extent of the regulatory risk for an individual provider or in the risk to the continuation of study for the provider's students, it may seek assurance that the measures in the provider's student protection plan remain sufficient to mitigate risks identified. The OfS may require further mitigating measures to be included and/or may require the plan to be revised and provided to the OfS on a more frequent basis.

### Multi-agency coordination and contingency planning

- The provider's student protection plan should identify the relevant agencies and stakeholders that would need to be engaged in the event of closure or significant course disruption. These may include:
  - Professional statutory and regulatory bodies
  - UK Visas and Immigration
  - Relevant government departments
  - Funding bodies
  - The Office of the Independent Adjudicator
  - Apprenticeship employers
  - The Student Loans Company
  - UCAS
  - Partner institutions

The plan must outline how the provider will coordinate with these agencies to ensure a coherent approach to protecting students' interests.

### **Behaviours**

In order to determine whether or not a provider is complying with this condition on an ongoing basis, the OfS's judgement will be informed by the provider's behaviour, as well as information submitted by the provider or available to OfS.

The following are non-exhaustive examples of behaviours that may indicate compliance with this general ongoing condition:

- A clear commitment to preserving the continuation of study for all current and potential students in the provider's student protection plan
- A plan that is credible, deliverable and its measures will in practice protect students
- Publication of the plan and making it available to all current and prospective students and staff
- Regular review and testing of the plan, preferably on an annual basis
- The measures in the plan are fair and viable, and take into account the potential impact on the diversity of students and their needs
- The provider works with its students when creating and implementing the student protection measures
- The provider engages proactively with the OfS when risks begin to emerge
- The provider maintains comprehensive and accessible student records
- The provider has established preliminary arrangements with potential receiving institutions
- The provider has clear communication protocols ready to implement

The following are non-exhaustive examples of behaviours that may indicate non-compliance with these general ongoing conditions. The provider:

- Fails to publish its plan in a clear and accessible way
- Is not meeting the obligations set out in its plan
- Fails to submit an updated plan to the OfS as required
- Does not regularly review and test its plan
- Fails to update the plan to reflect changes in its circumstances
- Fails to engage with the OfS about the content of, and any updates to, its plan
- Has a plan that is not tested or fails to take into account the diversity of its students and their needs
- Fails to provide clear information about when and how the measures in its plan may be triggered
- Does not maintain student records in a format that facilitates transfer
- Lacks data sharing agreements necessary for implementation
- Fails to notify the OfS promptly when risks begin to emerge
- Has inadequate provisions for students with specific needs during transition
- Lacks specific arrangements for managing partnerships