

!Name!  
[job title]  
!Address1!  
!Address2!  
!Address3!  
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[www.officeforstudents.org.uk](http://www.officeforstudents.org.uk)

23 November 2023

Dear [Accountable officer]

## **F3 Notice: Information about your students' union(s)**

### **Background**

I am writing to you in connection with the work that we are doing to prepare for the implementation of our new free speech functions. As this stage, we are seeking some basic information from you about the students' union(s) at your provider.

As you will know, recent legislation will strengthen the legal requirements on providers and students' unions in relation to free speech and academic freedom. The legislation also extends OfS regulation on free speech matters directly to students' unions and provides for a new complaints scheme, operated by the OfS, to consider free speech complaints about providers and students' unions. These provisions apply to students' unions of providers that are registered in our Approved (fee cap) category.

We are working with the Department for Education to implement the new legislation and have adopted a phased approach. Our initial focus is the new complaints scheme and the regulation of students' unions, as we expect those provisions to come into force on 1 August 2024. You can read more about the new legislation and our phased approach to implementation, on our website.<sup>1</sup>

We expect to consult on the new complaints scheme, and on our regulation of students' unions, towards the end of this calendar year. We are now seeking some basic information about students' unions, to inform the development of our work and to support our engagement with students' unions through the consultation process.

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<sup>1</sup> See [www.officeforstudents.org.uk/advice-and-guidance/quality-and-standards/freedom-of-speech/changes-to-regulation/](http://www.officeforstudents.org.uk/advice-and-guidance/quality-and-standards/freedom-of-speech/changes-to-regulation/).

Under the new legislation, we will be required to maintain and make publicly available a list of students' unions to which the new legislation applies. We plan to use the information that you provide to us, to compile that list. We do not envisage publishing that list until 1 August 2024, when the relevant legislative provisions are expected to come into force.

### **Information requirement**

The attached Notice, issued under ongoing condition of registration F3, sets out the information that we would like you to send us. We are seeking basic information about any students' union connected with your provider, including about its membership, whether it is a charity and its contact details.

A 'students' union' for these purposes is defined in the attached Notice. Unincorporated associations or bodies, those without charitable status and those that relate to students that are not higher education students, may all fall within that definition.

We are asking you to submit the information in the form set out in Schedule 1 of the Notice. This will help us to manage the data in an efficient manner. You can submit the data through the OfS portal. Instructions for using the OfS portal are set out in Schedule 2 of the Notice.

### **Timescales and next steps**

The Notice sets an initial deadline of 13 December 2023 for submission of this information. The Notice also includes an enduring element, asking you to send us updated information should your students' union(s) change in the future.

Thank you for your assistance with this matter. We look forward to engaging with you and with your students' union(s) as we implement this very important work.

If you have any questions about this letter, or the requirements in the attached Notice, please contact Hilary Jones at [regulation@officeforstudents.org.uk](mailto:regulation@officeforstudents.org.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Arif Ahmed', with a horizontal line extending to the right.

**Arif Ahmed**  
**Director for Freedom of Speech and Academic Freedom**

## **Annex A: Information and cooperation required from the Provider**

**To:** The governing body, [Name of Provider] (the 'Provider')

### **Notice under general ongoing condition of registration F3 Provision of information to the Office for Students ('OfS')**

#### **Whereas**

(A) The Provider was registered by the OfS in accordance with section 3 of the Higher Education and Research Act 2017 (HERA) on the Register of English higher education providers in the Approved (fee cap) category.

(B) For the purpose of assisting the OfS in performing any function, or exercising any power, conferred under any legislation, the OfS has the power under ongoing condition F3(i) (and by virtue of section 8(1)(b) of HERA) to compel the governing body of a registered English higher education provider to provide the OfS, or a person nominated by the OfS, with such information as the OfS specifies at the time and in the manner and form specified.

(C) The Higher Education (Freedom of Speech) Act 2023 will amend HERA to create new duties and functions of the OfS. This includes functions of the OfS in relation to the monitoring of students' unions of providers registered in the OfS's Approved (fee cap) registration category in relation to free speech matters (section 69B of HERA, as amended). It also includes a new complaints scheme, operated by the OfS, for the making and investigation of complaints relating to the duties of students' unions of providers registered in the OfS's Approved (fee cap) registration category, and other bodies, in respect of freedom of speech and academic freedom (section 69C of, and Schedule 6A to, HERA, as amended). The relevant provisions of HERA are expected to commence on 1 August 2024.

(D) Section 13 of the Interpretation Act 1978 provides that 'Where an Act which (or any provision of which) does not come into force immediately on its passing confers power to make subordinate legislation, or to make appointments, give notices, prescribe forms or do any other thing for the purposes of the Act, then, unless the contrary intention appears, the power may be exercised, and any instrument made thereunder may be made so as to come into force, at any time after the passing of the Act so far as may be necessary or expedient for the purpose—

- (a) of bringing the Act or any provision of the Act into force; or
- (b) of giving full effect to the Act or any such provision at or after the time when it comes into force.'

For these purposes 'subordinate legislation' means: 'Orders in Council, orders, rules, regulations, schemes, warrants, byelaws and other instruments made or to be made under any Act...'

#### **Therefore:**

1. Pursuant to general ongoing condition of registration F3, the Provider is required to provide the **Specified Information** at the **Specified Time** and in the **Specified Manner and Form**, on an enduring basis.

## Definitions

2. The following definitions apply to this Notice:

- a. **'Specified Information'** means:

- i. A statement confirming whether the Provider has or does not have a **Students' Union or Students' Unions**;

- ii. In respect of each **Students' Union** of the Provider:

1. The name of the **Students' Union**;
2. Type of legal structure of the **Students' Union**;
3. Whether the **Students' Union** has charitable status;
4. Membership of the **Students' Union** (this means whether membership extends to: (i) higher education students only; (ii) higher education students and other students, or (iii) other students only). For these purposes, 'higher education' is to be interpreted in accordance with the Higher Education and Research Act 2017; and
5. A contact email address for the **Students' Union**

- b. **'Specified Manner and Form'** means the Specified Information must be provided to the OfS via the OfS portal (instructions for using the OfS portal are available at Schedule 2 of this Notice) and presented in a form specified or otherwise described in Schedule 1 of this Notice.

- c. **'Specified Time'** means (i) 5:00 pm on 13 December 2023 (ii) thereafter within fourteen days of the date of any change to the **Specified Information** or, if that is not possible due to exceptional circumstances beyond the control of the Provider, as soon as reasonably practicable thereafter.

- d. **'Students' Union'** has the same meaning as it has in Part 2 of the Education Act 1994 in relation to establishments to which that Part applies (see section 20 of that Act) except that it does not include a students' union for students at a **Constituent Institution** of the Provider.

- e. **'Constituent Institution'** of the Provider means any constituent college, school, hall or other institution of the Provider.

Signed on behalf of the OfS and authorised for that purpose

A handwritten signature in black ink, appearing to read 'David Smy', is centered on the page. The signature is fluid and cursive, with the first name 'David' and the last name 'Smy' clearly distinguishable.

David Smy  
Deputy Director of Enabling Regulation  
Date: 23 November 2023

## Schedule 1: Specified form

Please complete the 'submission' page of the data return form 'Students' Unions Return'.

1. The form asks you to answer 'yes' or 'no' to:

'Does the Provider have one or more relevant students' unions?'

2. For each students' union, you will be required to fill in the following fields:

<b>Name of students' union</b>	<b>Legal Structure</b>	<b>Does the students' union have charitable status?</b>	<b>Membership of the students' union</b>	<b>Contact email address</b>
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3. You will be able to enter text for your answers, except that:

- 'Does the students' union have charitable status?' will require you to choose 'yes' or 'no'.
- 'Membership of the students' union' will require you to choose 'HE students only', 'HE and other students' or 'Other students'.

4. Examples of the legal structure of a students' union include an unincorporated organisation or an incorporated company such as a company limited by guarantee, but you should ensure the exact form is specified.
5. Instructions on how to download and return the 'Students' Unions Return' form are detailed in Schedule 2: Submitting information through the OfS portal.
6. You will not be able to submit the return unless all the required fields in the form have been completed and all data validation checks on the coversheet are showing as 'Validation passed'.

## Schedule 2: Accessing and using the OfS portal to complete the Students' Unions data return due on 13 December 2023

1. The Students' Unions data return can be accessed through the OfS portal (<https://extranet.officeforstudents.org.uk/Data>).
2. Your provider's user administrator manages access to the OfS portal. If you are not sure who your provider's user administrator is, you can view the user administrator for your provider by logging on to the portal. Select 'My account' on the right-hand side of the yellow banner and then click 'Activate an access key'. The names and contact details of your user administrator will be at the bottom of the page. If you are not registered and do not know who your user administrator is please contact [portal@officeforstudents.org.uk](mailto:portal@officeforstudents.org.uk)
3. **If you have *not* previously used the OfS portal**, please contact your provider's user administrator and ask them to:
  - create your OfS portal user account;
  - add you to the group '**StudentsUnions**'.

Once the user administrator has set up your account, you will receive an automated email with a link to a page where you can set your password. You will then be able to log in using your email address and password.

4. **If you have used the OfS portal before**, please contact your provider's user administrator and ask them to add you to the group '**StudentsUnions**'. You will need to ask your user administrator to add you to the relevant group, **regardless of whether you had access to previous returns or not**. Once you have been added to the group, you should log in using your email address and password.
5. Once you have logged in, you will see a link 'Students' Unions Return (Deadline: 13 December 2023, 17:00) '. (Please note that if the links do not appear you may need to refresh the page or log out and log in again. You may also need to clear your browser cookies).

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### Students' Unions Return (Deadline: 13 December 2023 17:00)

Here you can upload the information required for the Students' Unions Return.

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6. When you click on this link you will see instructions for submitting your data return.

#### Downloading and uploading the Students Unions data return

7. To download the template for the Students Unions data return, click on the 'Download' button and select 'Save' when prompted. Save the zip file Students\_Unions\_Return\_[UKPRN].zip in a location on your network where you can access it later.

The zip file contains one document, SU\_[UKPRN].xlsx this is a Microsoft Excel template for completing the return.

8. To complete the return, you will need to unzip the package. Windows 7, 8 and 10, Vista, XP and Windows ME can perform this task without a third-party tool. Other operating systems will need an additional program.
9. When you have completed your return, and are ready to submit it, log in again and navigate to the 'Students' Unions Return' portal area following the instructions in paragraphs 5 – 6 above.
10. Click the 'Upload' button, then 'Choose File' to find the location of the file you wish to upload, and then click on 'Upload'.
11. Submitting the file may take up to a few minutes, depending on how busy the server is. A message will appear on the screen to tell you 'Your files have been submitted and are waiting to be processed'. This will change to 'Completed successfully' when the file has been processed.
12. Once your file has been processed the 'History of submissions' section will appear at the bottom of the page. This should tell you if your upload was successful, and the name of the results file that has been created.
13. To view your results file, click the 'Result' button and save the file on your own network. This file will be a copy of what you have submitted.
14. If you wish to make changes to your return after it has been uploaded, and the deadline has not passed, then please re-upload the file to the portal. This will overwrite the previous submission and a new results file will be generated.

### **Further information**

15. You should submit your returns electronically to the OfS portal by 17:00 on 13 December 2023.
16. If at any time you forget your password for the OfS portal, click the 'Forgotten password?' link and enter your email address. You will then be emailed a link to a page where you can reset your password.
17. If you have problems changing your password, if your account becomes locked, or if you can't see a relevant survey link, please contact your provider's user administrator. If you are not sure who your provider's user administrator is, please contact [portal@officeforstudents.org.uk](mailto:portal@officeforstudents.org.uk).
18. If you need technical assistance with submitting files, please contact [dfagateways@officeforstudents.org.uk](mailto:dfagateways@officeforstudents.org.uk).
19. If you have any other queries with regards to the data return, please contact [regulation@officeforstudents.org.uk](mailto:regulation@officeforstudents.org.uk)