

Approval of new name for University of Central Lancashire

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The Office for Students (OfS) has consented to the inclusion of the word ‘university’ in the University of Central Lancashire’s proposed new name ‘University of Lancashire.’

The OfS’s role

The OfS has the legal power to consent to the use of the word ‘university’ in a registered higher education provider’s name. In approving the inclusion of the word ‘university’ in any name the OfS has regard to the need to avoid names which are, or may be, confusing.¹

The OfS has published guidance for registered higher education providers that wish to use either ‘university’ or ‘university college’ as part of their name (‘university title’ or ‘university college title’). It states that we will consult on a provider’s proposed new name and assess the extent to which the proposed name is confusing or misleading.²

As well as requiring consent from the OfS, a provider also requires approval from the Registrar of Companies (via Companies House) before it can use a name including the sensitive word ‘university.’ Under current regulations, the provider needs to seek a view from the Department for Education (DfE), also known as ‘non-objection,’ before it can request approval from the Registrar of Companies. In this case, DfE issued a non-objection letter on the same day as the OfS’s final decision letter. The provider can now request approval from the Registrar of Companies to use the word ‘university’ in its proposed new name.

Consultation responses

University of Central Lancashire (UCLan) applied to the OfS for consent to use the word university in its proposed new name, ‘University of Lancashire’ in June 2023. We consulted on the provider’s new name and received 1,830 responses.³

1,812 respondents answered the question seeking their view of whether the proposed name is, or has the potential to be, confusing or misleading. The other responses did not answer this question but did provide other comments that were also analysed. 1,635 (90 per cent) of respondents responded that in their view the proposed name was, or has the potential to be, confusing or misleading. 177 (10 per cent) of respondents commented that they did not consider the proposed name to be confusing or misleading.

¹ See [Further and Higher Education Act 1992](#).

² See [Regulatory advice 13: How to apply for university college and university title](#).

³ See [Office for Students seeks views on proposed new name for University of Central Lancashire](#).

The reasons for confusion given by those respondents that thought the proposed name was or had the potential to be confusing, included that the proposed name has the potential to be confused with the University of Lancaster (which trades as Lancaster University).

The OfS's consideration of responses

After careful consideration we took the view that the majority of stakeholders will not find the proposed name confusing or misleading. This is because:

- a. The majority of universities have a name that includes the word 'university' and many contain a reference to a geographical area. We therefore consider that there is likely to be a relatively high degree of similarity between the names of **any** two universities.
- b. We consider that relevant stakeholders, including but not limited to students, are used to:
 - i. Distinguishing between conceptually similar names by paying a closer regard to differences in the names than might be the case in the contexts of other similar brands, including by using relevant contextual information to check and confirm the name or institution is the one intended.
 - ii. Distinguishing between a range of university names, some of which may provide a specific geographic location but others that do not.
- c. We consider that there is sufficient difference between the provider's new name and other provider's names to enable the majority of students and other stakeholders to differentiate between the two names. This is because stakeholders are used to distinguishing similar names of higher education providers including through the use of contextual information.

We took the view that the proposed name is not inherently confusing or misleading; the provider's main campus is located in Lancashire, and its previous name (University of Central Lancashire) already contained the name of the county.

However, we consider that the proposed name may have the potential to be confusing for particular groups of stakeholders, particularly for:

- current and prospective students who may be less easily able to distinguish between the similar sounds of the providers' names
- people with disabilities that affect the processing of written and spoken language
- international students who may be less familiar with contextual information that could be used to differentiate between providers.

However, we concluded that most instances of potential confusion were unlikely to lead to any material harm or detriment. We also consider that there are existing mitigations. These include, for example, the range of contextual information that students use when applying to study and the requirement for the provider to comply with consumer law. These will either help to avoid potential confusion or prevent the material harm or detriment that arises from it.

We expect the university to review on an ongoing basis any potential sources of confusion about its name and take necessary steps to either prevent such confusion from occurring or prevent it from creating harm.

The OfS's decision

In considering this decision, we considered our general duties from the Higher Education and Research Act 2017,⁴ among other factors. In this case, we placed weight on the OfS's general duties to have due regard to the need to protect the institutional autonomy of English higher education providers, and the need to encourage competition between English higher education providers in connection with the provision of higher education. We consider that these duties weighed in favour of consenting to the proposed name.

We also had regard to our regulatory framework, which states 'The OfS will only approve names that it considers not to be, or not to have the potential to be, confusing or misleading.' The OfS will consider departing from the position set out in the regulatory framework (that it will not authorise names that are, or have the potential to be, confusing) where there is good reason to, for example as in this case, that the risk of harm or detriment from a potentially confusing name is low or can be effectively mitigated.

Therefore, we decided to consent to the inclusion of the word 'university' in the University of Central Lancashire's proposed new name 'University of Lancashire,' and invited the provider to formally change its name.

In making this decision:

- We have not purported to determine how any acts that might follow from the use of the proposed name might be categorised as a matter of law. The provider must not regard or represent the OfS's decision as endorsing or otherwise granting permission for it to breach or circumvent any laws which may apply to the use of the name, including intellectual property law or consumer protection law. Responsibility for compliance with the law remains with the provider.
- We are consenting to the name that has been assessed 'University of Lancashire,' and not another variation of that name.

⁴ See [Section 2 of the Higher Education Research Act](#) or [part one of the OfS's regulatory framework](#).