

## Guidance for faculty, departments and schools on compliance with Competition and Markets Authority (CMA) requirements

In 2015, the Competition and Markets Authority (CMA) published advice for higher education providers to help them comply with their consumer law obligations. This document outlines what areas of consumer protection law staff should be aware of.

### 1. Introduction

- 1.1. These notes have been developed to reflect the advice published by the [Competition and Markets Authority \(CMA\) on higher education providers' responsibilities](#) for prospective students and current students in adherence with consumer protection laws.

HE providers shall comply with consumer protection law in relation to the following three issues:

- (a) **Information provision** – the need to provide up front, clear, accurate, comprehensive, unambiguous and timely information to prospective and current students.
- (b) **Terms and conditions** – the need for terms and conditions that apply to students to be fair and balanced. HE providers should not rely on terms that could disadvantage students.
- (c) **Complaint handling** processes and practices – the need to ensure that complaint handling processes and practices are accessible, clear and fair to students.

### 2. Providing information on the University and University Programmes

- 2.1 When providing information to enrolled students and to prospective students about the University and its academic provision, such as responding to enquiries by e-mail, phone or in person, all staff and faculty are expected to provide students with reasonable expectations about the programme and the experience they will receive.
- 2.2 University employees should ensure that no inaccurate or misleading information is provided and that no firm commitments are made where there is likelihood that this might change. Examples of areas where staff should consider what information is provided:
- Fees for the programme
  - academic staff who will be teaching on the programme
  - Programme course content and specific optional courses
- 2.2. The University provides information to prospective students through print and digital platforms (website and referral sites such as UCAS, the Common Application and other digital providers) about the programmes so that prospective students can make informed choices. The website is the central depository of all up to date information for prospective students and the University tracks changes through an approvals register.
- 2.3. Information provision during your interaction with prospective students
- Stage 1: research and application stage – when the prospective student considers options for what and where to study, and then makes an application.

- Stage 2: offer stage – when the prospective student decides whether to accept an offer of a place with an HE provider.
- Stage 3: enrolment stage – when the student enrolls with the HE provider.

### **3. Student Terms and Conditions**

- 3.1. The information distributed through printed material and on digital platforms including the University's website, is a key part of the student contractual relationship with the University. It is essential that this information is maintained and is accurate at all times.
- 3.2. The contractual relationship between the University and the student is formalised when a student accepts an offer of study. The agreed contract is based on the details of the programme advertised.
- 3.3. The University is obliged under consumer law to provide details confirming the contract (Terms and Conditions) in a durable medium.

### **4. Changes to Programmes and Amendments**

- 4.1. The University is committed to providing prospective students and applicants (stage 1 and stage 2) and enrolled students (stage 3) with accurate information, while recognising the need to be responsive to subject and pedagogic developments, QAA subject benchmarks, and other changes that may impact on the scheduled delivery of a programme. There may also be profound changes brought about by external events, such as the COVID-19 pandemic.
- 4.2. The University recognises the importance of ensuring curricula, resources and learning, teaching and assessment methods are current and appropriate.
- 4.3. The University utilises feedback from staff, students, alumni, employers and other key stakeholders in enhancing its provision and aims to enable programme teams to adapt and refresh their programmes accordingly.
- 4.4. In adherence with consumer protection law, the University is required to provide timely and accurate information to prospective students and students either entering into or holding a contract with the University. The Schools and Registry Services are encouraged to plan well in advance so that any changes can be assimilated in a timely manner.
- 4.5. Compliance with consumer protection law does not prevent the University from changing and/or enhancing provision, but the University is aware that any changes made may have implications in terms of when changes can be introduced and how changes are communicated to prospective and current students.
- 4.6. The University's Terms and Conditions allow for changes to programmes as summarised below: when changes to programmes are planned consideration is given to the timing of changes and the impact it will have on prospective students and enrolled students:

#### ***A. Prospective Students:***

- i. Where changes are planned for a new incoming cohort of students the changes should be approved and advertised before applications open for the indicative year

of study.

**B. Applicants:**

- i. The University is expected to deliver the programme as advertised. Changes between what is originally advertised and what is agreed (determined as a material change – See below definition of material change).
- ii. The Academic Board and the University Board must determine if a change is sufficiently material to require a notification to applicants.
- iii. Where changes are required to a programme of study in the recruitment-admissions cycle, all applicants and offer holders will be informed of changes at the earliest opportunity. This includes information on the change, the rationale for change and advice on options for making an alternative decision should the applicant no longer wish to proceed with their application.

**C. Enrolled Students**

- i. Students should expect to be studying the advertised programme that was agreed when they applied for study as this forms the basis of their contract.
- ii. Changes are not made to a programme for an existing cohort of students except where it will benefit the student experience or changes are necessary due to circumstances outside of the control of the University.
- iii. Material changes proposed for in-year implementation will not normally be approved.
- iv. Consultation will be undertaken when an amendment or material change is proposed, when the proposal will affect an existing cohort of students.
- v. A consultation consists of informing all students affected on how the proposed material change will impact enrolled students, rationale for the change and how they can feedback on the proposals, according to the guidance laid out in the University *Quality Manual* from time to time.

4.7. Material changes are:

- Change to title of programme
- Change to programme structure – i.e. changing a programme's courses
- Changes to contact hours
- Changes to learning outcomes of core/compulsory courses
- Substantial changes to types of assessment, substantial being where more than 50% of assessment changes
- Change to external professional accreditation (e.g. BPS) and/or to the registration (OfS) and accreditation (MSCHE) status of the University, or as a requirement of these bodies.
- Changes to fees and tuition
- Addition of necessary additional costs (i.e. fieldtrips, books, equipment)

- Changes to attendance requirements
- Change to the campus location of a class (but NOT routine timetable changes)
- Changes to the Student Code of Conduct

4.8. Non-material changes are:

- Room allocations
- Removal or addition of optional course
- Course title change
- Changes to the timetable
- Changes to minimum word counts or exam
- Change to assessment weightings
- Change to assessment deadlines

4.9. The University formally updates and revises its student policies and procedures annually, and these are approved each June at the University Board on the recommendation of the Academic Board, with effect from 1 July of that year.

- The changes will be included in the information available to staff and student, such as the Policies and Procedures documents and the Quality Manual or the Catalogue. Students must be informed of material changes (under 4.7).
- Changes will only be approved 'in year' in exceptional circumstances, but may be adopted as 'guidance' with the approval of the University Board.

## 5. Complaints

- 5.1 If a student is concerned that the University may have breached consumer law, we would encourage them to raise their concerns with the University directly via our [student complaints procedures](#).
- 5.2 If a student is not satisfied with how their complaint has been handled, they may pursue their complaint to the Office of the Independent Adjudicator for Higher Education (OIA), once internal procedures have been completed.
- 5.3 We provide prospective students with information about our complaints process before they accept an offer of a course, but note that only enrolled students may appeal using our OIA procedures.

Responsible Department: Marketing, Recruitment and Communications			
Approving body: University Board			
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1.		7 <sup>th</sup> May	7 <sup>th</sup> May

		2021	2021