

Consumer and Markets Authority (CMA) Compliance Policy

Introduction

The School recognises the importance of complying with [Consumer Protection Law](#) and takes its responsibilities seriously at all stages of the student journey. This document sets out the structures, processes and mechanisms the School has in place to monitor and ensure its ongoing compliance with Consumer Protection Law. Specifically, it describes the School's approach to ensuring that all published student-facing information is [CMA](#) compliant and follows the [QAA](#)'s good practice guidance. Published student-facing information includes the School's website, prospectus, Learning Management System, social media content, CRM emails, and any other marketing tools.

This Policy should be read in conjunction with the School's *Published Information Procedure*.

Legislative Context

In 2015, the [CMA](#) published [UK Higher Education Providers - Advice on Consumer Protection Law](#), clarifying what higher education providers should do in core areas such as information provision to current and prospective students, terms and conditions, and complaints processes and practices. Compliance with Consumer Protection Law is a condition of the School's registration with the [Office for Students](#).

Principles

The School will provide upfront, clear, accurate, comprehensive, unambiguous and timely information to prospective students that:

- Allows students to make informed choices about where to study; and
- Provides them with a reasonable degree of certainty regarding the nature and extent of the academic (or other) service the School will provide and the cost they will incur.

The School will provide fair and balanced terms and conditions that provide a clear contractual relationship between the student and the School.

The School will provide a robust and clear [Student Complaints Procedure](#) that allows students to hold the School to account.

The School will endeavour to nurture an honest and collaborative relationship with students in all dealings.

The School will put mechanisms in place to ensure that all departments comply with the CMA Compliance Policy, making all necessary information available to all staff, and ensuring that it is understood and followed.

Policies

Recruitment and Admissions

All pre-contract information provided to prospective students must be upfront, clear, accurate, comprehensive, unambiguous and timely.

Material information for programmes of study will be developed and made available to candidates prior to applying for a place on a programme of study. Information on additional costs incurred by students on programmes of study will be made available to students and applicants and will be included within the School's material information for each course of study. This material information will be regularly reviewed to ensure it is provided in a clear, unambiguous and timely manner to students.

Where it has proved necessary to make changes to pre-contract information these will be flagged to applicants as will any surprising terms and conditions—I.e., clauses which it would not be reasonable to assume that applicants with no previous experience of higher education would understand and/or terms whose breach might prevent a student from successfully completing the course (e.g., core modules which must be passed).

Enrolment

Students should be clearly notified that they will be entering into a contract with the School at the point of which they accept an offer of a place.

The information made available at offer stage should not be changed from that given at pre-contract stage, unless the applicant has agreed to the change.

The contract should last for the full duration of the course, with a clear statement of any milestones to be achieved to enable progression to the next stage. This means that any changes proposed to the programme that may affect student progression or other significant aspects of the student experience must be subject to a process of student consultation by the School.

Terms and Conditions

Necessary information in relation to the Student Contract, for example rules and regulations and programme information will:

- Be clearly signposted on the publicly available School website as well as located on secure student/staff intranet pages and the Learning Management System (LMS);
- Wherever possible be available and accessible from a prospective student's first contact with the University;
- Be located in a limited number of documents on a single webpage, and written in clear language that is accessible to students.

Information or requirements that might be considered 'surprising' will be clearly signposted to students and prospective students.

Where a change in the contracted provision is to take place, or is likely to do so, students will be given clear information in advance about the change, the reasons for the change, how it will be introduced and operate, and, ultimately, their right to cancel their contract with the School and switch HE providers if the changes are made. In such instances, support will be provided to students who opt to pursue a course elsewhere in the form of managing their transition appropriately. Any such changes will be communicated to students in good time before they are effected.

The School's formal [Terms and Conditions](#) for acceptance of a place on the School's undergraduate programme will be reviewed annually by the Registrar, with independent legal advice where appropriate, and changes approved by the Academic Council.

Finance

The School will not use academic sanctions for non-academic debts.

Programme and module changes

Where a proposed change to the programme would constitute a major change and affect current students, students must be consulted and their feedback considered via the School's Modifications to Programmes and Modules Procedures, noted by the Programme/Module Review and Approval Panel and the Academic Council, both of which have a student representative. The affected cohorts should then be notified of the effective date of the changes originally proposed. Where further changes have been made in the light of feedback, these should also be communicated.

Any changes to provision which are considered major, affect the contract with a student or change the material information provided must be communicated in writing to affected applicants and students. Any such written communication must be approved by the Registrar or nominee.

Complaints

The School will have clear complaints procedures in place for students and prospective students. These are the [Student Complaints Procedure](#) and the [Applicant Complaints and Appeals Procedure](#) respectively. These Procedures have been drawn up in line with published guidance from the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#), [Supporting Professionalism in Admissions \(SPA\)](#), [Good Practice on Applicant Complaints and Appeals](#), the [Quality Assurance Agency for Higher Education](#), and the [Competition and Markets Authority \(CMA\)](#). The School will review these Complaint Procedures on an annual basis, with a strong emphasis on protecting the consumer rights of students.

Staff guidance and training

All staff involved in the presentation of information to students and prospective students, such as staff working in teaching and learning, admissions and recruitment, and marketing and communications will be given mandatory CMA training at induction, as well as annual updates in training on consumer protection law developments. They will also be

provided with this Policy as well as a CMA checklist for marketing communications (Annex 1 of this Policy).

The Registrar is responsible for organising this training and provision of information.

Wider staff awareness of the obligations of the School under Consumer Protection Law is key to protecting the consumer rights of students. The School promotes staff awareness through staff training and provision of information. The Registrar is responsible for organising this training and provision of information.

Ongoing Student Information

The School will include the [Terms and Conditions](#) and related policies, procedures and regulations on its publicly available website. The [Terms and Conditions](#) will also be included in offer letters. The School will also keep a “durable” version of each iteration of the [Terms and Conditions](#) and which cohort it applies to.

Archiving of communications

To support the CMA legislation, the School is required to archive communications with prospective students so we can demonstrate and access what information was provided to which groups at a specific time. In line with Data Protection Regulation and the School’s [Data Protection Policy](#), [Data Retention Policy](#), and [Detailed Data Retention Schedule](#), all communications will be retained for a minimum of six years.

Roles and Responsibilities

Executive responsibility for ensuring compliance with Consumer Protection Law sits with the School’s **Chief Executive**. The Chief Executive delegates oversight of compliance with Consumer Protection Law to the Registrar.

The **Registrar** is responsible for

- Reviewing all major marketing and pre-contract material (included prospectuses, student handbooks, regulations, website collateral), as well as the School’s [Terms and Conditions](#) and confirming that it is compliant with Consumer Protection Law, drawing on external legal advice where appropriate, in line with the *Published Information Procedure*.
- Annually reviewing the School’s [Terms and Conditions](#) and proposing any changes for authorisation by the Academic Council.
- Receiving and investigating formal complaints from students under the [Student Complaints Procedure](#) and formal complaints from applicants under the School’s [Applicant Complaints and Appeals Procedure](#)
- Keeping up-to-date on developments in consumer protection regulation and case law.
- Providing guidance, training and advice to staff on compliance with Consumer Protection Law.

The **Director of Marketing and Recruitment** is responsible for ensuring that all pre-contract information shared with students across all channels (including Open Days and school visits) is

- Consistent with this Policy
- Consistent with the *CMA Compliance: Checklist for Marketing Communications* and the *Published Information Procedure*

Where the information being shared is new or changed, the Director of Marketing and Recruitment must ensure it is signed off by the Registrar as CMA compliant.

The **Executive Committee**

- Annually reviews this Policy and the School's compliance with Consumer Protection Law on behalf of the Board of Directors. The drafting of the annual review paper is led by the Registrar; the paper is then discussed by the Executive Committee to establish the School's level of compliance and determine any necessary actions to improve compliance with Consumer Protection Law. Inputs to this annual review include: relevant student feedback (gathered by termly engagement surveys, feedback from Ask Us/Tell Us events, comments from the online student comments platform, and, where appropriate, specific consultation); details of student complaints and appeals relating to Consumer Protection Law; and issues flagged by operational leads for Recruitment, Admissions and Support, and Learning. The Executive Committee submits its annual report on the School's compliance with Consumer Protection Law, including any actions to improve compliance, to the Academic Council and the Board of Directors for consideration.
- Identifies any risks relating to remaining compliant with Consumer Protection Law on an ongoing basis as part of its consideration of the institutional risk register, which it reviews monthly, as set out by the School's [Risk Management Policy](#). This provides another mechanism for initiating and monitoring any required management actions to ensure compliance with Consumer Protection Law.
- Approves all new publications, after review by the Registrar.

The **Academic Council** reviews and approves the following documents, and any amendments to them of a material nature must be noted and approved:

- The School's Vision, Mission and Values documents;
- The School's Prospectus;
- The Student Handbook;
- The School's Governance documents;
- General Academic Regulations.

Monitoring and Review

A review of this Policy will be conducted annually by the Registrar, and any changes to this Policy or the School's actions to comply with Consumer Protection Law to be discussed and agreed by the Executive Committee, for authorisation by the Academic Council and the Board of Directors.

Annex 1: CMA Compliance: Checklist for Marketing Communications

Checklist for developing marketing materials compliant with CMA

- Has it been developed in line with the guidelines set out in the School’s *CMA Compliance Policy*?
- Is the content up front, clear, accurate, comprehensive, unambiguous and timely?
- Are there any changes in pre-contract information that must be flagged to applicants and prospective applicants?
- Has it been ensured that the messaging does not over-promise? Does it give a balanced view of the School, and are claims evidence-based and attributed where feasible? Is the language factual?
- Does the information give a fair picture of the nature and extent of the academic and other services provided by the School, and the cost incurred to students?
- Are there any substantive omissions that might be misleading?
- Where there is doubt about future information will change, is it clear whether the information is illustrative or committed? Where illustrative content is being used, is it based on current knowledge?
- Is essential information clearly signposted and easy to find?
- Is the information provided clear and consistent across platforms?
- Are there clear links for more information about the content (for digital and printed communications)?
- Does the communication take account of information provision to vulnerable groups? Is the content accessible to groups with aural, visual and physical disabilities?
- Does the information include clear links for prospective students to review School regulations and provision for complaints?
- Are resource email accounts used for contact details rather than personal accounts?
- Is the information stored and archived in line with the School’s [Data Protection Policy](#), [Data Retention Policy](#), and [Detailed Data Retention Schedule](#)?

Name of policy/procedure:	CMA Compliance Policy
Document owner:	Hannah Kohler, Director of Admissions and Student Support
Date Originally Created:	02/2019
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Reviewed by:	Jasper Joyce (Director of Finance and Operations), Ed Fidoe (Chief Executive), Prof. Chris Maguire (Registrar)
Audited by:	Academic Council

Date of Audit:	18/12/2019, 03/2020 - approved
Date of next review: (annually unless otherwise agreed)	
Related documents: (eg associated forms, underpinning processes, related policies or overarching policies)	Published Information Procedure Terms and Conditions Applicant Complaints and Appeals Procedure Student Complaints Procedure Academic Appeals Procedure Programme Design, Development, Monitoring and Evaluation Procedures Data Protection Policy Data Retention Policy Detailed Data Retention Schedule Consumer Protection Law: Quick Guide for Students

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Version Control			
Version	Author	Date	Brief summary of changes
1	Hannah Kohler (Director of Admissions and Student Support)	10/02/2019	Original draft
2	Jasper Joyce (Director of Finance and Operations)	23/02/2019	Minor wording changes
3	Ed Fidoe (Chief Executive)	23/02/2019	Minor wording changes
4	Hannah Kohler (Director of Admissions and Student Support)	13/06/2019	Expanded detail of Policy, including legislative context and more in-depth policies. Added checklist for marketing materials, CMA guidance document for staff and brief guidelines for students.
5	Prof. Chris Maguire (Registrar)	22/06/2019	Tightened language to clarify School's responsibilities. Included Academic Council in monitoring and review of the Policy
6	Hannah Kohler (Director of Admissions and Student Support)	03/08/2019	Removed student guide and put into a separate document. Have linked to UK higher education

			providers – advice on consumer protection instead of summarising. Removed staff guide as was duplicative of the Policy
7	Hannah Kohler (Director of Admissions and Student Support)	14/08/2019	Linked to School's Published Information Procedure
8	Academic Council	18/12/2019	Requires update in light of decision to pursue NDAPs
8	Hannah Kohler (Director of Admissions and Student Support)	02/02/2020	Removed reference to validating partner
9	Academic Council	16/03/2020	Approved