



University of  
Nottingham

UK | CHINA | MALAYSIA

Policy name	Consumer Protection
Subject	Compliance with Consumer Protection Law (CPL) and guidance for the higher education sector from the Competition & Markets Authority (CMA)
Approving authority	Consumer Protection Group
Accountable person	Director of Governance and Assurance
Responsible Teams	Governance & Assurance, External Relations, Registry & Academic Affairs
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## 1 Introductory Purpose & Background

Students at the University, whether undergraduate or postgraduate, are deemed to be 'consumers' for the purpose of consumer protection law (CPL) and therefore benefit from the provisions set out in such laws intended to protect those who purchase goods and/or services.

In 2015, the Competition and Markets Authority (CMA) issued [guidance](#) to higher education institutions outlining how CPL applies to the relationship between universities and their students, whether prospective or current and the obligations of universities when it comes to CPL.

In practice, this means that the University is required, amongst other things, to:

- Provide prospective students, applicants and offer holders with clear, accurate and timely information to enable them to make an informed decision of what and where to study;
- Ensure the terms and conditions relating to study at the University are fair;
- Provide prospective students with clear, accurate and timely information relating to the conditions associated with their offer of a place of study at the University (the Offer Letter); and
- Provide prospective and current students with clear, accurate and timely information relating to material changes to their programme of study or the terms and conditions relating to their study (the Student Contract). The Student Contract includes links to policies, the Quality Manual and University Regulations and lays out details of the services students can expect from the University; and
- Ensure that the information relating to, and processes associated with, complaints are accessible, clear and fair.

This policy sets out key principles governing how the University ensures compliance with CPL and CMA guidance. It provides a framework in which staff should manage any marketing or communication activity with prospective students, applicants, offer holders and current students.

The CMA and CPL requirements apply to all information given to prospective and current students from enquiry through to registration and study, including:

- All forms of communication including print, digital and verbal, such as direct e-mails, the University of Nottingham website (which includes information about student services, the curriculum catalogue, fees and finance, Quality Manual and regulations), prospectus, Student Contract and student handbooks; and
- All formal and informal activities including (but not limited to), open day conversations, webinars, conversations at outbound events.

## 2 Scope

This policy applies to:

- All staff of the University of Nottingham (whether temporarily or permanently employed) and which are student-facing and/or deliver services directly or indirectly to prospective and current students, and/or engage in direct communication with prospective and current students (regardless of the means of communication).
- All staff of contractors engaged by the University of Nottingham which are student-facing and/or deliver services directly or indirectly to prospective and current students, and/or engage in direct communication with prospective and current students (regardless of the means of communication).
- All third parties acting on behalf of the University. This includes, but is not limited to, agents and partners (including Kaplan, members of Council, industry advisory board members and external advisors).

The policy applies to staff, temporarily or permanently employed at the University of Nottingham Ningbo China (UNNC) and University of Nottingham Malaysia (UNM) in relation to any information provided by UNNC or UNM to, or for the use of, or in relation to, prospective or current students at the University of Nottingham in the UK in relation to opportunities for overseas study at either UNM or UNNC.

The policy also applies to staff employed at UNNC or UNM acting on behalf of the University of Nottingham in the UK when working with third parties. The limit of this authority is subject to local legislation where applicable. For the avoidance of doubt, this policy also applies to information provided to prospective and current students studying at UNNC or UNM in relation to opportunities for overseas study at UNUK.

## 3 Definitions

- CMA Guidance (Competition and Markets Authority Guidance) means guidance published by the Competition and Markets Authority (dated 31 May 2023) entitled

[‘UK higher education providers – advice on consumer protection law’](#) and any updates thereof.

- Communication means any formal or informal dialogue with a prospective Student, applicant or current Student in any format, including but not limited to verbal, email and website through which the prospective Student, applicant or Student receives information material to their decision to study at the University of Nottingham.
- Consumer Protection Law (CPL)
- Material Change means any significant change to Material Information
- Material Information means a specific set of information provided to prospective Students, applicants and current Students in durable format outlining certain details of their (proposed) programme of study. Material Information is information that set out key details of that programme of study that may be relied on in any decision as to whether to accept an offer to study at the University of Nottingham. Details of information comprising Material Information for undergraduate and postgraduate Students and for those studying Short Courses are provided in Appendix 1.
- Pre-contract information means information received by prospective Students before they have agreed to accept an offer of a place to study at the University in order for them to make an informed choice about their study.
- Post-contract information means information received by prospective Students after they have agreed to accept an offer of a place to study at the University.
- Staff – As outlined in Section 2
- Student Contract means the contract between the University of Nottingham and a Student undertaking an undergraduate or postgraduate programme for credit which comes into effect when the prospective Student accepts an offer of a place for study at the University of Nottingham.
- Third parties – As outlined in Section 2

## 4 Policy

**4.1 Key principles** (and where appropriate reference to the University’s long-term vision and strategy)

- The University will ensure prospective and current students receive accurate and up-to-date information relating to their programme of study.
- The University will seek to ensure that Material Information is accurate and up to date. It will provide this information in durable format and in a timely manner.
- Prospective and current students will be referred to approved sources where possible; additional sources that restate information which is already published or made available through an approved source will be avoided where feasible.
- All individuals involved in communicating or sharing information with students will ensure the information used is up to date and consistent with information in approved sources.
- Information comprising Material Information may vary depending on the year of entry. The Student Contract, which lays out or references Material Information

relevant to each cohort, will apply throughout the duration of study for that cohort, except where expressly varied.

- Changes to Material Information will not normally be undertaken once there is a contract in place between the University and a prospective student, i.e., once an offer has been made and accepted.
- Where changes are required to Material Information before a prospective student or offer holder registers at the University, the University will ensure that the prospective student or offer holder receives the updated information in a timely fashion.
- If it is necessary to make changes to Material Information after students have registered, the University may consult affected students on the proposed changes to Material Information.
- The University will ensure that prospective and current students have access to clear information about, and fair, accessible and timely, processes for complaints.
- The University will maintain appropriate records of Material Information in line with its records retention policy. The University will also maintain appropriate records relating to student consultation (where required) and of communications to prospective students, offer holders and current students regarding changes to Material Information where appropriate.
- The University will ensure advice for its staff regarding CPL and the application of CMA Guidance is available and that training is provided for all relevant staff.

## **4.2 Key roles, responsibilities and requirements**

The Chief Marketing and Communications Officer holds overall accountability for the University's compliance with Consumer Protection Law and the CMA Guidance.

The following roles hold specific accountability for ensuring aspects of compliance with CPL and the CMA Guidance are achieved:

The Chief Marketing and Communications Officer is accountable for:

Pre-contract

- Ensuring all correspondence to prospective students and offer holders is accurate and provided in a timely fashion to ensure these individuals can make an informed decision regarding their place of study.
- Ensuring the University website is up to date, accurate and appropriately maintained to ensure information is available for each cohort as required.
- Overseeing the provision of training and guidance to colleagues and third parties to support the University's compliance with CPL and the CMA Guidance. This will be supported by Legal Services.

The Deputy Registrar is accountable for:

Pre- and post-contract

- Ensuring the Student Contract is reviewed on an annual basis according to agreed timelines and complies with the principles set out in this policy.

- Ensuring the Student Protection Plan is reviewed on an annual basis according to agreed timelines and complies with the principle set out in this policy.
- Providing clear information to staff at the University regarding the processes and timings of curriculum approval, modification and publication.
- Ensuring the curriculum catalogue is up to date based on information provided by Faculties and Schools through the curriculum change process.
- Publication of the curriculum catalogue, accessible via the University of Nottingham website.
- Publication of, information about financial support and complaints handling and process.
- Ensuring changes to Material Information that affect current students are subject to appropriate consultation (where required), and for the communication of such changes to current students.

Faculty Pro-Vice-Chancellors are accountable for:

Pre- and Post-contract

- Ensuring programme changes are administered and approved in line with the University's published timelines and approval processes for changes to programmes and include prospective and student communication and/or consultation where appropriate.
- Maintaining records of consultation and communication regarding changes to Material Information. (duration of retention to be confirmed)
- Ensuring that all student communications (including but not limited to open day communications, offer holder communications, student handbook) are accurate and comply with the CMA Guidance and this policy.
- Ensuring all staff involved in any aspect of communication with prospective and current students have the appropriate level of awareness, and where required, training in support of ensuring compliance with CPL and the CMA Guidance.

The Registrar is accountable for:

- Ensuring tuition fees for all student groups are subject to annual review (where applicable), are published in a timely fashion and are accurate when published.

Schools and Faculties will identify key roles, which will act as points of contact and guidance for compliance with CMA guidance within the respective School/Faculty. Those roles are likely to include those involved with curriculum design/change and approval and those involved with student recruitment, including open days.

### **4.3 Training and development**

All staff engaged in the preparation and/or delivery of communications to prospective and/or current students will be required to undergo training relating to compliance with consumer protection law. Refresher training will be undertaken every 2 years.

#### **4.4 Legal and statutory requirements and non-compliance**

Compliance with CPL is a legal requirement; in the event of an alleged breach of the CPL, an individual can seek redress through the Office of the Independent Adjudicator for Higher Education (OIA), the Courts and/or the CMA and/or another enforcement agency. The CMA has a wide range of civil powers, including the authority to investigate reports of non-compliance with CPL, seek an enforcement order from a Court, impose an undertaking and require specific steps to be taken to protect consumers. The CMA also has criminal powers, including seeking the prosecution of corporate bodies and/or individuals (who could be imprisoned if found guilty) and the imposition of unlimited fines.

Compliance with CPL is also a [condition of registration](#) with the Office for Students (OfS) (Condition C1). Should the OfS consider the University is at risk of breaching, or in breach of, any condition of registration, the OfS has powers to investigate and, where appropriate, impose a range of sanctions including financial penalties. As part of its registration with the OfS, the University is required to report any risk of, or actual, non-compliance with CPL to the OfS.

Risk or evidence of non-compliance could also potentially negatively affect the University's reputation and harm student recruitment.

#### **4.5 How compliance with the policy will be measured**

Compliance will be measured through a range of proxy indicators including;

- Annual review of student complaints relating to CPL matters. This should include complaints resolved at institutional level or via the OIA.
- Annual attestation by Faculties and Professional Services Departments that they have the appropriate controls in place to comply with this policy.
- An annual review of compliance, focussing on in-year changes to Material Information. This will consider in-session changes that have taken place out of standard change cycles and/or which require specific communication with prospective and current students. The review will include communication and consultation activities with prospective students, offer holders and current students. The review will recommend changes to processes, guidance etc. where required.
- Qualitative feedback.
- Compliance with training and development requirements.

Following annual reviews, training will be updated where required and an overview of compliance performance and policy changes communicated to all relevant staff.

#### **4.6 Provisions for monitoring and reporting related to the policy**

The Consumer Protection Group and Assurance Committee will both receive an annual report from RAA and the Legal Team detailing student complaints. These Committees will also review any events reported to the OfS in the review period to determine whether any relate to CMA-related matters. These committees will also receive a report outlining the attestation statements of Faculties and PSDs (see section 4.5).

The University's governing body, Council will receive an annual report relating to student complaints which will include CMA-related matters.

Governance of compliance with CPL is overseen by the University's Consumer Protection Group. This Group meets 2 times per year and through its agenda will consider matters relating to ongoing compliance with CPL. It will receive and review details of all measure of compliance as outlined in section 4v above and any other ad hoc reports of CPL-related issues. CPG will consider any continuous improvement activity suggested by the reports and will delegate such actions to the relevant committee or group.

Education and Student Experience Committee, Teaching and Learning Committee, Quality and Standards Committee and Reputation and Recruitment Committee will also receive annual reports as outlined above and will undertake actions as required by the annual reports and as aligned with the relevant committee terms of reference. These reports will inform the annual report to Council.

## 5 Review

The policy will be reviewed on an annual basis to ensure it takes account of updated advice from statutory and regulatory bodies.

## 6 Related policies, procedures, standards and guidance

### University Standards and Guidance

- [Quality Manual](#)
- [Programme](#) and [module](#) changes – describes the communication and consultation requirements with prospective students, offer holders and current students when considering material changes to programmes and modules. Includes links to relevant procedural documents and requirements for records retention.
- [Applicant Complaint procedure](#)
- [Student Complaint procedure](#)

### Regulatory and Legal

- Office for Students - [Conditions of Registration](#) (Condition C1, Page 142, paras 364 - 374)
- [UK higher education providers – advice on consumer protection law](#) (published by the Competition and Markets Authority, May 2023)

## Appendix 1 – Material Information

MATERIAL INFORMATION	EXAMPLES OF WHAT CMA WOULD EXPECT TO SEE	IN OFFER LETTER (OL) or CONTRACT (C)
Contact details	University of Nottingham [e-mail address] [telephone number]	Link to website <a href="http://www.nottingham.ac.uk">www.nottingham.ac.uk</a> and include key contact detail in the OL.
Programme title	[Full name of programme]	In OL
Programme Statement	Brief description of the programme	Link to xxxxx
Award type	[Full name of award] Award type, such as BA, MSc; single subject, joint honours [Name of awarding institution if not University of Nottingham]	In OL
Duration, academic load and mode of study	[ ] year(s) full time ([ ] weeks per academic year) [ ] year(s) part time ([ ] days per academic year) Taught, distance or online learning	Years in OL Link to website <a href="https://www.nottingham.ac.uk/about/keydates/">https://www.nottingham.ac.uk/about/keydates/</a>
Regulation	The University is regulated by the Office for Students	Links to <a href="#">www.Contract</a> <a href="#">Quality Manual</a>
External accreditation	[Yes/No] [If Y, give full details]	OL
Entry requirements	[Details of academic/non-academic entry requirements]	
Typical offer	[ ] UCAS tariff points	OL – link to UCAS Track
Location of study	Main University campus in Nottingham [or insert details, if different] (Nottingham, Derby, Sutton Bonnington, Lincoln)	OL
What you will study (programme structure)	<u>Core modules</u> [list core modules – title, module description and where it sits in the programme structure e.g. year 1, year 2 etc]	OL



	<p><u>[Optional modules]</u>  <i>[Indication of likely optional modules and scope of choice]</i>  Note: this is an indicative list and not all optional modules will run each year</p>	
How you will study	Learning and teaching methods such as lectures, seminars, lab sessions, workshops, fields trips etc.; and amount of study time (typically expressed as an average range in hours per week), both face to face (or online if appropriate) and independent study.	
Placement(s)	<p>[Yes/No]  <i>If Y, give full details, for example:</i>  <i>[mandatory or optional, number, length, location, arranged by University or student, credit bearing or not]</i></p>	<p>OL – No  C - No  Include in OL or via programme specification</p>
Assessment	Programme level statement of assessment methods (such as essays, examinations, portfolio, group work, presentations, dissertation) which are found in the core modules of the programme.	
Tuition fees	<p><u>UK Home students</u>  Y1 2022/23 £9,250  [Y2 2023/24 £     ]  [Y3 2024/25 £     ]  <i>[insert figures or give details of how any increase will be calculated]</i></p> <p>For students who take out a government-backed tuition fee loan, fee payments are made in instalments in September, January and April. For self-funded students, payment is due in full at the start of the academic year.</p>	<p>In OL  Contract includes payment terms and links to fees webpages.</p>

	<u>International Students</u> Y1 2022/23 £[     ] [Y2 2023/24 £     ] [Y3 2024/25 £     ] <i>[insert figures or give details of how any increase will be calculated]</i> [A deposit of £[     ] is payable on acceptance of the offer of a place.] Payment of the full fees is due at the start of the academic year.	OL
Other approximate programme costs	<u>Mandatory</u> <a href="#">[DBS check fee]</a> – see Government website for current costs £ – payable on application <i>Field trips - approximately £[     ] – payable at relevant time</i> <i>Programme materials – approximately £[     ] – payable xxx</i> <i>Insert other £[     ] – payable xxx]</i>  <u>Optional</u>  <i>[insert details and when payable]</i>	OL
Terms and conditions	An offer of a place on this Programme is subject to the terms of the Student Contract, which can be found here. <i>[insert link to Student Contract]</i>	OL and C
Complaints or concerns	Any concerns or complaints can be raised via the Student Complaint Procedure or Applicant Complaints Procedure, as applicable, which can be found here <i>[insert links]</i> .	OL C