**Principles of Compliance with Consumer Protection Laws**

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# Overview of this Document

This document establishes the requirements and procedures for modules and courses where the proposed revisions, suspensions, and withdrawals result in changes to material information outlined by the Competition and Markets Authority (CMA). This document is designed to ensure that all such changes meet the CMA guidance requirements.

## Consulting Other Documents

This document must be followed in conjunction with:

* Annex A: Requirements for Taught Courses of Study
* Annex A Appendix A: Requirements for Modules
* Annex C: Approval of Modules
* Assessment Regulations Framework
* Compliance with Consumer Protection Laws – Policy on Communicating with Applicants and Students

## Glossary

CASC – Course Approval Sub-Committee

CMA – Competition and Markets Authority

CSAO – Central Student Administration Office

DDESE – Director of Education and UG Student Experience

DDGSSE – Divisional Director of Graduate Studies and PG Student Experience

DESEC – Divisional Education and Student Experience Committee

DGSSEC – Divisional Graduate Studies and Student Experience Committee

UCAS – Universities and Colleges Admissions Service

QACO – Quality Assurance and Compliance Office

# Introduction and Background Information on the CMA Requirements

In March 2015, the CMA provided guidance designed to help Higher Education Institutions (HEIs) comply with their obligations under consumer protection law. This guidance was updated in May 2023[[1]](#footnote-2).

These minimum standards apply to various aspects of an HEI’s dealings with students, such as information provision, complaint handling, and the requirement of fairness for terms and conditions.

All members of academic and professional staff engaged with marketing, marketing events, admissions, student and the administration, quality assurance and delivery of course content, development of course and considering any module and/or courses changes will be expected to complete the Online Staff Training on Consumer Protection Laws for Higher Education[[2]](#footnote-3).

# Provision of Information

* 1. Consumer Protection Law requires that the information provided by universities is clear, intelligible, unambiguous, and timely.
	2. This includes information given in writing or visually, and includes any information communicated verbally and applies to information provided to applicants and students from when they apply to universities, up until the point at which they graduate.

# Material Information

* 1. ‘Material information’ is information that the prospective student needs in order to make an informed decision about the place of study.
	2. Material information should be provided in all circumstances, whether or not the prospective student requests it.
	3. The details of the University’s material information are available on Kent’s Competition and Markets Authority Guidance website[[3]](#footnote-4) and should be referred to for guidance.

# Stages of Engagement between a Student and a University

There are three stages of engagement between a student and a university, as identified by CMA:

**Stage 1: Research and Application Stage**

When the prospective student considers options for what and where to study, and then makes an application, also referred to as pre-contract stage. Higher Education Institutions are required to provide material information needed to make informed decisions.

 **Information that was available at the pre-contract stage is legally binding. This means that a prospective student, if accepted, should receive what they expected, rather than something different.**

**Stage 2: Offer Stage**

When the prospective student decides whether to accept an offer of a place, the Higher Education provider and a prospective student enter into a contract. Institutions are required to provide information needed to make a decision, including the required pre-contract information, before the prospective student accepts a formal offer of a place on the course. Universities are expected to deliver the course as advertised in any pre-contract information.

**Stage 3: Enrolment Stage**

This stage is reached when the student enrols with their chosen Higher Education provider and is officially registered on a course of study.

# Express Agreement

* 1. An express agreement is an exchange of promises in which the terms by which the parties agree to be bound are declared.
	2. Information provided at the Research and Application Stage (Stage 1, see section 4, above) is legally binding and for any changes to be effective, Higher Education providers must seek an express agreement from prospective students before or at the time of accepting the offer, at the latest, to ensure that the applicant is fully informed of the basis upon which they are accepting the offer.
	3. For more information about the process of seeking express agreement from applicants and/or students, see section 13 below.

# Rationale for Making Changes to Material Information

* 1. Changes to material information are more likely to be considered fair under CMA legislation and therefore low risk if they are restricted to allowing minor adjustments that are unlikely to have a negative impact on applicants and/or students.
	2. Examples of changes which are more likely to be considered fair, include:
* Changes made in response to PSRB requirements;
* Changes to reflect the theory in an area of research or practices around the subject or its delivery to ensure that the module content is up-to-date and valid;
* Changes to incorporate external examiner and/or current student feedback.
	1. Changes proposed due to resource issues will not be normally considered as good reason, as they may result in a breach of OfS B Conditions.

# Timings for Making Changes to Material Information

* 1. It is the University’s expectation that any material changes would be implemented before the marketing and recruitment window starts (at least 18 months for UG courses and 12 months for PG courses). Changes made within the recruitment window will be referred to as ‘in-cycle’.
	2. Therefore, Divisions must consult marketing and recruitment deadlines, and UCAS deadlines (for UG courses) available on KentNet[[4]](#footnote-5), when considering any changes to material information.

# Process for Making Changes to Material Information

* 1. When proposing a change to a course and/or module, the Division must give proper consideration as to whether the proposed change represents a ‘material’ change[[5]](#footnote-6).
	2. Divisions should seek a CMA Risk Assessment[[6]](#footnote-7) where the proposed changes to a course and/or module involve changes to the material information.
	3. If uncertain as to whether the proposed revisions result in changes to material information, Divisions should seek advice from the Quality Assurance and Compliance Office via kentcma@kent.ac.uk.
	4. When proposing a change to material information, the Division responsible for the change must consult other Department(s)/Division(s) that will be affected in a timely manner and prior to seeking the risk assessment.
	5. The Division proposing the change will normally be responsible for seeking express agreement from applicants and/or students, as applicable.
	6. The Division proposing the change will be responsible for any financial redress, where appropriate, including financial compensation as the outcome of any upheld complaints.

# CMA Risk Assessments

* 1. Where a proposal is made for the withdrawal, suspension or material amendment of a course and/or module to take place in-cycle, this will have implications under the CMA guidance which must be risk-assessed and considered prior to approval.
	2. The CMA Risk Assessment will be carried out by the Quality Assurance and Compliance Office (QACO).
	3. Every request will be reviewed on individual basis and the consideration will be given to the rationale for the ‘in-cycle’ change, the recruitment cycle timeframe, UCAS deadlines, the number of applicants and/or students affected, the level of disruption and planned mitigation by the Division.
	4. The risk assessment is designed to support Divisions in their decision to proceed with the approval process for proposed changes in-cycle, to consider changes to the proposal, or to defer such changes to a later date.
	5. The proposed changes will be assigned one of the following risks – low, moderate, or high.
	6. Where the risk level has been identified as high and the Division wishes to proceed with the approval process, the request will have to be reviewed and approved by the Deputy Vice Chancellor (DVC) Academic Strategy, Planning and Performance and the Deputy Vice Chancellor (DVC) Education and Student Experience prior to submission to CASC. Where the risk level has been identified as high due to implications on UCAS deadlines, the request will also have to be reviewed by the Head of Admissions (or nominee) in addition to the DVCs. QACO will liaise with both DVCs and the Head of Admissions (where applicable) to obtain their commentary.
	7. The approval of the DVC Education and Student Experience and the DVC Academic Strategy, Planning and Performance will normally only be required for courses. However, certain changes to modules, such as suspending a module with a high number of students, may be referred to the DVCs for consideration.

# CMA Risk Assessments for Courses

* 1. The CMA Risk Assessment must be requested in advance of the submission of the proposal to the Course Approval Sub-Committee (CASC)[[7]](#footnote-8).
	2. It is also advisable to seek the risk assessment prior to any deliberations about the changes as these may impact on the outcome.
	3. CASC will not consider proposals that have failed to undergo a risk assessment.
	4. Requests to suspend or withdraw the course must be accompanied by a CMA Risk Assessment. This includes recommendations to suspend/withdraw courses made as part of the Annual Portfolio Reviews, or via any other process.
	5. Where a Division proposes that a course is withdrawn, the University’s Student Protection Plan[[8]](#footnote-9) may be instigated.
	6. Where student consultation is required (see section 16 below), this must be completed prior to seeking the CMA Risk Assessment.
	7. Divisions should seek a CMA Risk Assessment for Courses by submitting an online form[[9]](#footnote-10).
	8. The Quality Assurance and Compliance Office (QACO) will normally process the request within five working days.
	9. Where the risk level has been identified as high, the CMA Risk Assessment will be referred to the Deputy Vice Chancellor (DVC) Academic Strategy, Planning and Performance, the Deputy Vice Chancellor (DVC) Education and Student Experience and the Head of Admissions, where appropriate, prior to submission to CASC, as per 9.6 above.

# CMA Risk Assessment for Modules

* 1. Where the CMA material information is altered, changes must be considered for both optional and compulsory modules.
	2. Careful consideration[[10]](#footnote-11) must be given when requesting changes to modules after Online Module Registration (OMR) opens.
	3. Where Divisions make changes after OMR opens, the CMA Risk Assessment will be required before changes can be made by the Central Student Administration Office (CSAO). This includes suspending optional and/or elective modules due to low registration numbers.
	4. Students that are affected by CMA material changes post OMR must not be contacted prior to the CMA Risk Assessment and approval of such change.
	5. A CMA Risk Assessment for Modules[[11]](#footnote-12) can be requested by emailing kentcma@kent.ac.uk.
	6. The Quality Assurance and Compliance Office (QACO) will normally process the request within five working days.

# Reporting Activities

* 1. QACO will prepare an annual report on CMA Risk Assessments received that will be submitted to the Academic Standards and Quality Committee and the Student Recruitment Committee for consideration.
	2. The report may also include case studies, recommendations and any other matters related to the University’s compliance with the Consumer Rights Protection Law.

1. [Higher education: consumer law advice for providers](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1159885/Consumer_law_advice_for_higher_education_providers_.pdf) [last accessed 30 June 2023] [↑](#footnote-ref-2)
2. Training is planned to be made available to staff by September 2023 [↑](#footnote-ref-3)
3. [Kent’s Competition and Markets Authority Guidance website](https://www.kent.ac.uk/education/cma/cma-material-information) [↑](#footnote-ref-4)
4. [Course Marketing and Recruitment Deadlines](https://livekentac.sharepoint.com/sites/education-qaco/SitePages/course-marketing-recruitment-deadlines.aspx) (available to Kent Staff only) [↑](#footnote-ref-5)
5. See [CMA Material Information](https://www.kent.ac.uk/education/cma/cma-material-information) on Kent webpages or [an extended version of CMA Material Information](https://livekentac.sharepoint.com/sites/education-qaco/SitePages/cma-material-information.aspx) on KentNet (available to Kent Staff only) [↑](#footnote-ref-6)
6. See [CMA Risk Assessment Requests for Courses](https://livekentac.sharepoint.com/sites/education-qaco/SitePages/cma-risk-assessment-for-courses.aspx) and [CMA Risk Assessment Request for Modules](https://livekentac.sharepoint.com/sites/education-qaco/SitePages/cma-risk-assessment-for-modules.aspx) (both available to Kent Staff only) [↑](#footnote-ref-7)
7. See [Deadlines for Requesting a CMA Risk Assessment for Courses](https://livekentac.sharepoint.com/sites/education-qaco/SitePages/cma-risk-assessment-for-courses.aspx#deadlines-for-requesting-the-cma-risk-assessment-for-courses) on KentNet (available to Kent Staff only) [↑](#footnote-ref-8)
8. [Student Protection Plan](https://www.kent.ac.uk/applicants/policies/student-protection-plan) [↑](#footnote-ref-9)
9. [The Online Form for CMA Risk Assessment Request for Courses](https://livekentac.sharepoint.com/sites/education-qaco/SitePages/cma-risk-assessment-for-courses.aspx#how-to-request-a-cma-risk-assessment-for-courses) [↑](#footnote-ref-10)
10. Divisions are strongly advised to seek advice and guidance from QACO via kentcma@kent.ac.uk [↑](#footnote-ref-11)
11. See [required information](https://livekentac.sharepoint.com/sites/education-qaco/SitePages/cma-risk-assessment-for-modules.aspx) when seeking the CMA Risk Assessment for Modules (available to Kent Staff only) [↑](#footnote-ref-12)