



# Consumer protection law and higher education

## What is the Competition and Markets Authority (CMA)?

The CMA is a unified competition and consumer non-ministerial government body, which took over many of the functions formerly carried out by the Competition Commission and the Office of Fair Trading. The CMA became fully operational in April 2014, and works to promote competition (both in and outside of the UK) for the benefit of consumers.

### What's the link with higher education?

In December 2014, the CMA consulted on advice for universities and colleges in complying with consumer protection law, in its dealings with prospective and current undergraduate students. UCAS – among others in the sector – submitted evidence and in March 2015, definitive advice was released.

A key point to note is that the advice is not a substitution for the law, nor does it create new legal obligations for universities and colleges. It simply applies existing law in this area to the higher education sector.

### Rationale

The CMA considers that if universities or colleges are acting for purposes relating to their trade, business, or profession when providing educational services, they will be a 'trader' or 'seller or supplier' under consumer protection legislation. Prospective and undergraduate students will mostly be acting for purposes outside their trade, business, or profession, and therefore will be 'consumers' under the legislation. It follows that consumer law will generally apply to the relationship between universities and colleges and prospective and current undergraduate students.

### Key areas

The CMA's advice focuses on three key areas where universities and colleges need to be compliant:

- Information provision – providing clear, comprehensive, and timely information.
- Terms and conditions – ensuring terms and conditions are fair, clear, and transparent.
- Complaint handling processes and practices – making complaints processes and practices fair and visible.

### What is UCAS doing?

UCAS is making changes for those applying to start their university studies from 2016. One important change is the extension of the 'cooling off' period, from seven to 14 days for applicants accepting offers. This means UCAS has increased the reply swap window from seven to 14 days. UCAS will also be using its communication channels to make applicants aware of their consumer rights throughout the application process.

## What are universities and colleges doing?

Universities and colleges should consider the CMA advice and assess their compliance, ensuring all staff are fully briefed. If necessary, they should consider seeking legal advice and making changes to their practices, processes, and policies.

Should serious breaches of consumer law be identified, the CMA or another consumer enforcement partner, may decide to take action. Students can notify the CMA of universities and colleges that may not be complying with consumer law through a dedicated email address. You can find out **how to report a potential breach** on the CMA's website.

## What do I need to do as a teacher or adviser?

When discussing higher education options with your students:

- remind them they have consumer rights
- point them in the direction of **the CMA's short guide to consumer rights for students**
- stress how important it is to thoroughly research and compare the options available to them before deciding where to apply.

UCAS is trying to raise awareness of the CMA's advice among its customers. The advice offers greater clarification of applicants' rights. Enrolling onto a course is a high cost, one-off commitment, and the CMA wishes to ensure that students make an informed choice about what and where to study, and are treated fairly once there.

### Resources

- **CMA short guide to consumer rights for students.**
- **CMA full advice.**
- Supporting Professionalism in Admissions (SPA) has produced a number of useful **competition and consumer law** resources aimed at supporting universities.