

## Guidance for Faculties, Departments and Schools on Competition and Market Authority (CMA) compliance

The University has a responsibility to comply with consumer protection law (see below) because all prospective and current students have rights which are defined and protected by consumer legislation. The Competition & Markets Authority (CMA) has issued guidance<sup>1</sup> specifically aimed at Higher Education Institutions (HEIs) which should be followed.

### What is the legislation?

- The Consumer Rights Act 2015
- The Consumer Protection from Unfair Trading Regulations 2008 (CPRs), and;
- The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (CCRs)

### What does this mean?

Students have additional legal rights as consumers in relation to the courses provided by the University, in return for payment of fees. The University must provide students with accurate, accessible and material information on the courses offered, their structure, fees/costs and any procedures or regulations by which they will be bound before they make a decision to apply. Material information is defined as anything on which a student will rely in making their decision to apply to and/or accept an offer at the University. It is vital therefore that the information provided by Departments and Schools is correct, current and consistent with that provided centrally.

Any information that a student receives about their course before they accept their place at the University may then form a term of the contract between the University and the student. This information includes all information on websites, prospectuses or given verbally by staff.

A student's consumer rights last for the course's duration. Any subsequent changes to information from that provided to the student at offer stage must also comply with consumer legislation. If they are material changes, i.e., changes to information on which the student relied when deciding to choose the course (and has not subsequently agreed to), then it is likely that the University will have breached consumer law. Further information is set out below, but it is recommended that advice is sought as early as possible from Education Quality and Policy when planning changes to courses.

If the University fails to provide the course in accordance with the terms of the contract (the offer), then the student may have rights of recourse under consumer legislation. Non-compliance with the law may result in a variety of sanctions against the University, including fines, refunds, price reductions or other financial compensation, as well as significant reputational damage and the possibility of audit or review by the Office for Students, the Quality Assurance Agency, or the CMA.

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<sup>1</sup> *UK higher education providers – advice on consumer protection law*  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/428549/HE\\_providers\\_-\\_advice\\_on\\_consumer\\_protection\\_law.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/428549/HE_providers_-_advice_on_consumer_protection_law.pdf)

**Faculties and departments may be expected to meet any financial costs resulting from a breach of CMA compliance. Please note that these costs may be significant.**

The CMA Guidance, in summary, states that HE providers **must**:

1. Give sufficient, clear, accurate, accessible and timely information about the courses they offer, so that prospective students may make an informed choice of institution and course;
2. Provide clear terms and conditions to students and prospective students about rules that apply during their course of study;
3. Draw unusual terms and conditions to the attention of students and prospective students;
4. Not change the course from that advertised without good cause and due notice and, in some cases, explicit consent to the change;
5. Offer clear and robust complaints procedures if students are dissatisfied.

**What does this mean for Faculties, Departments and Schools?**

The University has taken steps to address all points above, in particular issuing standard terms and conditions to all applicants (see 'Further Information' below), ensuring that information held by the Cambridge Admissions Office (CAO) and the Graduate Admissions Office (GAO) is accurate, and empowering the Office for Student Complaints, Conduct and Appeals (OSCCA) to act in the event of student dissatisfaction.

However, due to the devolved nature of the University's business, a significant amount of information is provided to students directly. Faculties, Departments and Schools need to understand the requirements under the CMA Guidance to ensure that the University is consistently offering clear and robust information at all levels.

**Information for students**

For **prospective students**, any central information such as that held by CAO, GAO and ICE is considered to be the primary source with regards to advertising courses to prospective students. Any information held on other websites, and printed material, should be reviewed to ensure the following:

1. University-level policies and procedures **should not** be replicated on departmental websites under any circumstances; however in all cases it is important to ensure that these policies are drawn to students' attention. This information should be linked to the relevant University webpage; see Appendix 2 for further information.
2. Departments may wish to present supplementary information for applicants. This should complement and **not** replicate information already presented by Education Services<sup>2</sup>. All information on websites forms part of the contract with the student so departments should be mindful of the accuracy of this information and that all elements can be delivered as described.
3. In order to avoid confusion and ensure transparency, Schools, Faculties and Departments **should not** use the term 'prospectus' on their own sites; the only 'prospectuses' are those held centrally.
4. If your course is accredited by a professional body, all information **must** clearly reflect the particular cohort(s) that will be accredited, along with any required subject pathways.

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<sup>2</sup> Education Services includes the following departments: CAO, GAO, DRC, OSCCA, Counselling Service, Student Registry, EQP, International Student Team, Fees and Funding

5. Any practice that may be considered unusual, for example additional course costs, **must** be explicitly drawn to the attention of prospective students before the offer stage. Additional course costs **must not** be changed after the offer stage and they should not be changed once advertised unless the change will have a demonstrable positive impact on students.

For **current students**, faculties and departments should ensure information in course handbooks or websites/Moodle sites accurately reflects the Regulations as set out in the Statutes and Ordinances, and is consistent with University policies and procedures. As above, central University policies, such as complaints procedures, should not be replicated in departmental information to students but should be drawn to students' attention and linked to the relevant central website.

### **Course changes**

It is acknowledged that in practice, some degree of flexibility regarding course content will be necessary and, in a research-led institution, appropriate to ensure that teaching consistently reflects discipline developments. However, it is vital that course changes are within the bounds of what has already been advertised to students (and within the relevant student Terms and Conditions of the offer), and are not changes which students would view as material, or disadvantageous to them. Undergraduate student contracts (and most graduate student contracts in the future) will contain a clause headed 'Changes to your course' which sets out where changes might be permissible. Faculties, Departments and Schools should strive to balance the need for detailed and clear information to enable student choice, with future planning and sustainability.

When planning for course changes, consider the following:

1. Is there sufficient lead time for the change, ensuring that students (including current and prospective students) will be neither confused nor disadvantaged as a result of the change?
2. Are there any courses or papers that you offer which are heavily reliant on one individual? If so, what planning is in place for covering that person's teaching should s/he go on sabbatical, long-term illness, retire, or choose to leave the University? If no cover is possible and the teaching is withdrawn, can the course or paper still be delivered?
3. Do the changes affect the learning aims or outcomes, or mode of assessment of the course? If so, this will likely result in a longer lead time for the change, and possibly require approval from the General Board's Education Committee.
4. Do changes affect course accreditation and/or student registration with and membership of any professional body?
5. Changes to additional course costs will not be approved for any current students.
6. Changes which will impact future cohorts will only be approved if the additional costs have not been advertised.

### **Further Information**

The Education Quality and Policy Office are available to help with any queries about the CMA requirements, or to advise on possible course changes. If you would like any further information, please [contact your Liaison Officer](#) or email the Team at [educationalpolicy@admin.cam.ac.uk](mailto:educationalpolicy@admin.cam.ac.uk).

The Undergraduate Terms and Conditions may be found here:  
<https://www.undergraduate.study.cam.ac.uk/applying/decisions>; note that Graduate Terms and Conditions are currently being drafted and will be published after agreement.

**Document Control**

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**APPENDIX 1 – CMA CHECKLIST FOR SCHOOLS, FACULTIES AND DEPARTMENTS**

**Faculties and departments may be expected to meet any financial costs resulting from a breach of CMA compliance. Please note that these costs may be significant.**

Course information which is unique to the department (including webpages) complements central information, is accurate and deliverable.	
Central University policies – such as complaints and appeals procedures, fee information and application information – are not replicated in departmental information, such as websites and student handbooks, but instead students are referred to the central University webpages (see Appendix 2 for further details).	
Departments do not use the word “Prospectus” for applicant information.	
Changes to courses are discussed with students via existing consultation routes, taking account of appropriate lead times.	
The status of course accreditations is clear to students.	
Prospective applicants, applicants, offer-holders and current students receive clear approved information on any additional course costs.	
All staff supporting Open Days are fully briefed on their responsibilities with respect to the requirement to give accurate, clear information about the courses, department and University within their specific remit.	
All published documentation includes the following information: <ul style="list-style-type: none"> <li>• Academic year to which it pertains</li> <li>• Owner (person, role or Committee)</li> <li>• Version no., if applicable</li> <li>• Date produced</li> <li>• Date of last review, if applicable</li> <li>• Date of next review</li> </ul>	

## APPENDIX 2 – UNIVERSITY DOCUMENTS

The following documents should never be replicated, but it is important to ensure that these are drawn to students' attention. You should include the following items, via the links below, in any student handbooks, intranets, websites or other guidance.

These documents are provided to prospective students with their offer of admission, and form part of the terms of admission for students at the University.

Statutes and Ordinances	<a href="http://www.admin.cam.ac.uk/univ/so/">http://www.admin.cam.ac.uk/univ/so/</a>
Computing facility rules	<a href="http://www.uis.cam.ac.uk/isc/rules-and-guidelines/rules">http://www.uis.cam.ac.uk/isc/rules-and-guidelines/rules</a>
Data Protection Statement	<a href="http://www.information-compliance.admin.cam.ac.uk/data-protection/student-data">http://www.information-compliance.admin.cam.ac.uk/data-protection/student-data</a>
Privacy notices	<a href="http://www.ucs.cam.ac.uk/privacy">http://www.ucs.cam.ac.uk/privacy</a>
Student complaints procedure	<a href="https://www.studentcomplaints.admin.cam.ac.uk/student-complaints">https://www.studentcomplaints.admin.cam.ac.uk/student-complaints</a>
Student harassment and sexual misconduct policy	<a href="https://www.studentcomplaints.admin.cam.ac.uk/harassment-sexual-misconduct">https://www.studentcomplaints.admin.cam.ac.uk/harassment-sexual-misconduct</a>
Student disciplinary matters	<a href="https://www.studentcomplaints.admin.cam.ac.uk/discipline-0">https://www.studentcomplaints.admin.cam.ac.uk/discipline-0</a>
Undergraduate exam information	<a href="http://www.cambridgestudents.cam.ac.uk/your-course/examinations/undergraduate-exam-information">http://www.cambridgestudents.cam.ac.uk/your-course/examinations/undergraduate-exam-information</a>
Examination Review Procedure	<a href="https://www.studentcomplaints.admin.cam.ac.uk/examination-reviews">https://www.studentcomplaints.admin.cam.ac.uk/examination-reviews</a>
Plagiarism policy	<a href="http://www.admin.cam.ac.uk/univ/plagiarism/students/">http://www.admin.cam.ac.uk/univ/plagiarism/students/</a>
Fitness to Practice procedure (only for clinical medical students and vet students)	See Sections 29 and 30 of Chapter II in the University's Ordinances
Fitness to Study procedure (but not for clinical medical students and vet students)	<a href="https://www.studentcomplaints.admin.cam.ac.uk/fitness-study-0">https://www.studentcomplaints.admin.cam.ac.uk/fitness-study-0</a>
Audio recording of lectures	to be provided at a later date (policy under development)