

ASET Viewpoints

The Consumer Rights Act and the Competition and Markets Authority

The Consumer Rights Act 2015 was enacted on 1st October 2015, replacing the Unfair Terms in Consumer Contract Regulations (1999), the Unfair Contract Terms Act (1977), the Sale of Goods Act (1979) and the Supply of Goods and Services Act (1962). The Competition and Markets Authority (CMA) undertook work to clarify HE Providers' responsibilities under consumer protection law, which now applies to the relationship between HE Providers and undergraduate students; prospective, current and former.

Why do ASET think this is important?

All provision, including placements and employability support that is part of a programme, is covered. If obligations are not met, there is a risk of being in breach of consumer law, potential enforcement action, and in some cases students could have the right to take legal action.

Students need:

- Accurate information before they apply; what are the costs associated with placement fees, how is the course structured - what is the impact of taking a placement?
- To know what support is available, and there must be clarity around any guarantees regarding the placement experience. If students are responsible for, or equally responsible for, finding their placements it must not be implied that placements are found for them
- To appreciate the extent of their responsibilities and their role in building relationships with employers, locating vacancies and securing placement opportunities, and that of the HE provider



What are the expectations of the Consumer Rights Act?

To comply with the Act, HE Providers must supply prospective students with *material information*, in writing, visually and verbally, about the courses offered, the structure of courses, and the fees/costs. This must be easily accessible (via a website, prospectuses, course and departmental handbooks and at open days), and provided before they need to make a decision about which courses and HE Providers to apply to. Information must be accurate clear, unambiguous and timely, and include any detail that could affect students' decisions.

HE Providers' should also ensure they draw prospective students' *attention to important and surprising rules and regulations*. In addition there are specifications regarding information to be provided to students when an offer of a place on a course is made, and at the point of enrolment. It is particularly important to highlight any changes and to get student agreement to those changes.

Other key parts of the Act highlight the need to ensure *terms and conditions* are fair, and there is a clear, accessible and fair process for handling complaints. For example, terms allowing an HE Provider unreasonably wide discretion to vary course content and structure, or to increase fees during a course would be deemed unfair. If there is a separate process or policy for handling placement complaints, there may be value in ensuring consistency across the organisation.

The Act requires HE Providers to:

- provide students with clear and accurate information about their complaint handling procedures in writing and (where applicable) verbally. For example where a course is offered in partnership with, or sponsored or awarded by, another HE Provider it should be clear where responsibility for complaint handling lies
- provide accurate details of any external complaint or redress scheme students can access. In the case of placements, this may be in connection with professional body schemes or employers own local policies. You may need to reconsider the advice you give to students as part of their placement preparation

All information regarding legislation is correct at the time of publishing (September 2016)



ASET is the Work Based and Placement Learning Association, and our aim is to advance the prevalence, effectiveness and quality of work based and placement learning in Higher Education by promoting research into that system of education and publishing the useful results thereof. Work based and placement learning is that which is part of the Higher Education experience, an integrated part of a programme of study, and that is structured to appropriate learning outcomes and assessment.

2016/005/01

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