

Eastleigh College Competition and Markets Authority (CMA) Statement & Procedure

The College has a responsibility to comply with consumer protection law because prospective and current learners have rights which are defined and protected by consumer legislation. For the purposes of this policy, learners includes organisations and any customers purchasing courses in return for payment.

The Competition and Markets Authority (CMA) has issued guidance which should be followed.

What is the legislation?

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

What does this mean?

- Learners have additional legal rights as consumers in relation to the courses provided by the College, in return for payment of fees.
- The College must provide accurate and accessible 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 learner will rely in making their decision to apply to or accept an offer at the College.

It is vital therefore that the information provided by the College is correct, current and consistent.

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

A learner's consumer rights last for the course's duration. Any subsequent changes to information from that provided to the learner at offer stage must also comply with consumer legislation. If they are material changes, i.e. changes to information on which the learner relied when deciding to choose the course (and has not subsequently agreed to), then it is likely that the College will have breached consumer law.

If the College fails to provide the course in accordance with the terms of the contract (the offer), then the learner may have rights of recourse under consumer legislation. Non-compliance with the law may result in a variety of sanctions against the College, 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 Learners, the Quality Assurance Agency, or the CMA.

The CMA Guidance, in summary, states that FE providers must:

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

What action has the College carried out to address this?

The College has taken steps to address all points above, in particular making all learners aware of, but not limited to, the following policies and procedures:

- Admissions policy
- Appeals procedure
- Safeguarding policy
- 16-19 tuition fund statement
- Customer complaints/feedback procedure
- Course refund policy
- Equality and diversity policy
- Learner support policy
- Learner code of conduct and disciplinary procedure
- Student protection plan

A list of key policies and procedures can be found here:

<https://www.eastleigh.ac.uk/about/welcome/policies-and-procedures/>.

Due to the devolved nature of the College's business, a significant amount of information is provided to learners directly by subcontractors so they have been made aware of this policy. Curriculum and learner support services have also been aware of the requirements under the CMA Guidance to ensure that the College is consistently offering clear and robust information at all levels.

College policies and procedures have not been replicated on any other website other than www.eastleigh.ac.uk. All information on the website forms part of the contract with the learner so all departments in the College have been made aware that the accuracy of any information given to learners must be as described as on the website.

All departments have been made aware that if a 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.

Any practice that may be considered unusual, for example additional course costs, will be explicitly drawn to the attention of prospective learners before the offer stage. Additional course costs will 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 learners.

The College has ensured that our website accurately reflects the College policies and procedures.

When planning for course changes, the College will always consider the following:

- There is sufficient lead time for the change, ensuring that learners (including current and prospective learners) will be neither confused nor disadvantaged as a result of the change.
- Courses which are heavily reliant on one individual can be covered if that tutor should go on sabbatical, long-term illness, retire, or choose to leave the College. If no cover is possible and the teaching is withdrawn, the course must still be delivered.
- Changes which affect the learning aims, outcomes, or mode of assessment of the course will likely result in a longer lead time for the change, and possibly require approval from the SMT.
- Changes which affect course accreditation and/or learner registration with and membership of any professional body are also given a longer lead time for the change, and possibly require approval from the SMT.
- Changes to additional course costs will not be approved for any current learners.
- Changes which will impact future cohorts will only be approved if the additional costs have been advertised.

Further information

The Marketing Department is 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 marketing@eastleigh.ac.uk.