

# Higher Education Providers: Consumer Law

## How does consumer law apply to Higher Education providers?

Consumer law generally applies to your relationship with undergraduate students. The key issues to consider are your information provision, terms and conditions, and complaint handling.

If you do not meet your obligations, you may be in breach of consumer law and you risk enforcement action. In some circumstances students may also have the right to take legal action against you and/or seek redress.

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## How does consumer law apply to information provision?

You must give students the information they need to make an informed decision before they apply. This information includes:

- the course content and structure
- the total costs of the course including tuition fees and any additional costs associated with the course, such as field trips, lab equipment or bench/studio fees
- your terms and conditions, including any rules and regulations that students are bound by

Before, or at the latest when, offering a place to a student, you must tell them of any changes since they applied and give 'pre-contract information' which includes course information and costs, information on complaints handling, and any cancellation rights.

## How does consumer law apply to terms and conditions?

- Your terms and conditions, including rules and regulations, should be clear and transparent.
- They should strike a fair balance between your rights and obligations and those of your students, for example, terms allowing you wide discretion to change important aspects of the course or fees may be unfair.
- You need to make sure that surprising or important terms are specifically brought to students' attention.
- You will not be able to enforce terms and conditions which are unfair.

## How does consumer law apply to complaint handling processes and practices?

- You should ensure that your complaints processes are fair and transparent.
- You must inform students about your processes, including any right to escalate internally and to an external complaint scheme such as the OIA or SPSO.
- You should ensure your staff know and follow the processes.

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## Failure to comply with consumer law could lead to enforcement action



## Why is this important?

Compliance with consumer law is not only important in giving students the protection required by the law, but also helps to maintain student confidence and the standards and reputation of the UK Higher Education sector.

Complying with consumer law will help you compete for and retain students.

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## Need to find out more?

The CMA has published detailed advice to help you comply with consumer law.

<http://bit.ly/HEadvice>

You should read the advice in full and make any necessary changes to ensure you comply with the law.

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**These materials do not constitute legal advice and should not be relied upon as such. Additional sector-specific regulatory obligations may also apply.**