

## **Applying Consumer Protection Law at Warwick: Case Studies and Advice**

### **Complaint Regarding Advertised Contact Hours**

An ex-student of Warwick submitted a complaint to the Office of the Independent Adjudicator (OIA) on a number of grounds, including that the University had over-represented in the prospectus and the course brochure the amount of contact time received by first year students.

The University defended the published contact hours as they were described as being 'up to' or 'about' XX hours. The OIA deemed this aspect of the complaint to have been justified as in their view '.....it was not reasonable to have such open terms without providing the circumstances that might affect the contact time'.

The OIA also stated that 'while it is common for HE providers to have 25 teaching weeks, it should not be assumed that potential students are aware of this. We have not identified evidence that this was clearly set out in the prospectus or brochure.'

Whilst consumer protection law does not oblige the University to provide exact information about contact hours, this case demonstrates how providing indicative information can be problematic, as a case can potentially be made that the information was incomplete, which is contrary to CMA guidance that information should be 'clear, accurate, comprehensive, unambiguous and timely'.

We must also be conscious that information such as contact hours may be provided in external datasets, from information provided by the institution (in this case Unistats) and so applicants' and students' expectations will also be informed by this information.

In this case, a modest financial settlement was negotiated by the University. However, if a stronger case had been made, the University may have had to repay the fees and costs of the complainant, who had been a student at the University for two years.

### **Complaints Requiring Student Handbooks as Evidence**

Sometimes complaints by students to the OIA hinge on the information provided in a course handbook, in which case the OIA will ask for a copy of the version of the handbook received by the student. If University records are weak in this respect, we lose the ability to demonstrate that a student was provided with information relevant to the case.

It is therefore important for departments to archive copies of handbooks in a way that clearly records which version of a handbook was made available to a particular cohort. PDF copies are preferred (as an alternative to hard copies) for this purpose, as the University sends handbooks to the OIA in soft copy. Where handbooks are 'de-constructed' and made available in letters or via Moodle, thought should be given to the archiving process so that information sent to a cohort can be adequately demonstrated without the need for the department to undertake considerable amounts of document scanning in order to evidence what was provided to a particular student.

Additionally, in the case of complaints to the OIA it is helpful to be able to show how and when a particular cohort was communicated with regarding the student handbook or any subsequent updates, so records of this process should ideally be kept along with handbooks.

If emails are sent from SITS as an SRL, a helpful record of the message becomes logged (along with the date) on the student's record.

### Communicating Changes to Courses to Potential Applicants

A marketing colleague based in an academic department at Warwick contacted the Head of Admissions to enquire about what communications around course changes were advisable. The colleague understood that there was an obligation to inform applicants of changes, but at the time there was a digital marketing campaign in progress, and the colleague wanted to know if communications should extend to people who had registered an interest in a course but not yet applied (and hence received an automatic email providing course details, including a list of modules).

The colleague was advised by the Head of Admissions that as a minimum requirement, the note sent by Admissions acknowledging any application should include details of the changes since the course was advertised, and give the applicant 14 days to change their mind about their application and have the application assessment fee refunded.

However, it was decided that a more pro-active approach of using the mailing list generated by the marketing campaign to generate a communication around the changes, and describing how these changes would enhance the student experience, would both satisfy legal requirements and also potentially generate more applications or confirmations.

Colleagues from the Teaching Quality team are able to advise on the timescale for approval of course changes, and Admissions should always be consulted if changes aren't in time for inclusion in the relevant marketing materials.

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