

Annex C: Compliance with consumer protection law

Provider's name: Elizabeth School of London

Provider's UKPRN:10047572

Your overall approach to ensuring compliance with consumer protection law

Elizabeth School of London is partially following the consumer protection law by complying with the information commissioner office (ICO) regulations.

ESL covers the general data protection regulations which applies to most UK organisations and the new General Data Protection Regulation (GDPR) as it applies in the UK, tailored by the Data Protection Act 2018. Also, ESL is currently complying with each of the data protection principles, rights and obligations.

Furthermore, we intend to follow the UK quality Code part C in providing information to our current and prospective students.

We will comply with the following the QAA general principles to provide information to our students in the HE sectors.

Principle 1: Information that ESL produces about ourselves and the learning opportunities our students are clear, timely, current, transparent, and focused on the needs of the intended audiences.

Principle 2: ESL is responsible and accountable for the information produced about the higher education learning opportunities we offer. At the same time, ESL has the autonomy regarding the mechanisms and media they choose to communicate this information.

Principle 3: ESL Information will be available and retrievable where intended audiences and information users can reasonably expect to find it. The format and delivery of information should take account of the access requirements of a diverse audience

ESL is currently working on the consumer protection law and intend to comply with the following regulations

- C UC (2004) CUC Guide for Members of Higher Education Governing Bodies in the UK, www2.bcu.ac.uk/docs/cuc/pubs/CUC-Guide-FINAL.pdf.
- C UC (2004) CUC Governance Code of Practice and General Principles, www2.bcu.ac.uk/docs/cuc/pubs/CUC-Summary-Guide-HEFCEFinal.pdf .
- Consumer Protection from Unfair Trading Regulations 2008;
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013; and
- Unfair terms legislation (at the date of publication, the relevant legislation is the Unfair Terms in Consumer Contracts Regulations 1999 (UTCCRs).
- Freedom of Information Act 2000, www.legislation.gov.uk/ukpga/2000/36/ contents.
- Data Protection Act 1998, www.legislation.gov.uk/ukpga/1998/29/contents.
- Equality Act 2010, www.legislation.gov.uk/ukpga/2010/15/contents.
- The Equality Act 2010 (Specific Duties) Regulations 2011, www.legislation.gov.uk/uksi/2011/2260/contents/made.
- The Information Commissioner's Office, www.ico.gov.uk.

- The Information Commissioner's Office, guidance for the education sector, www.ico.gov.uk/for_organisations/sector_guides/education.aspx.

ESL Director of Studies is responsible for our Public Information Policy and complaint with the consumer protection law.

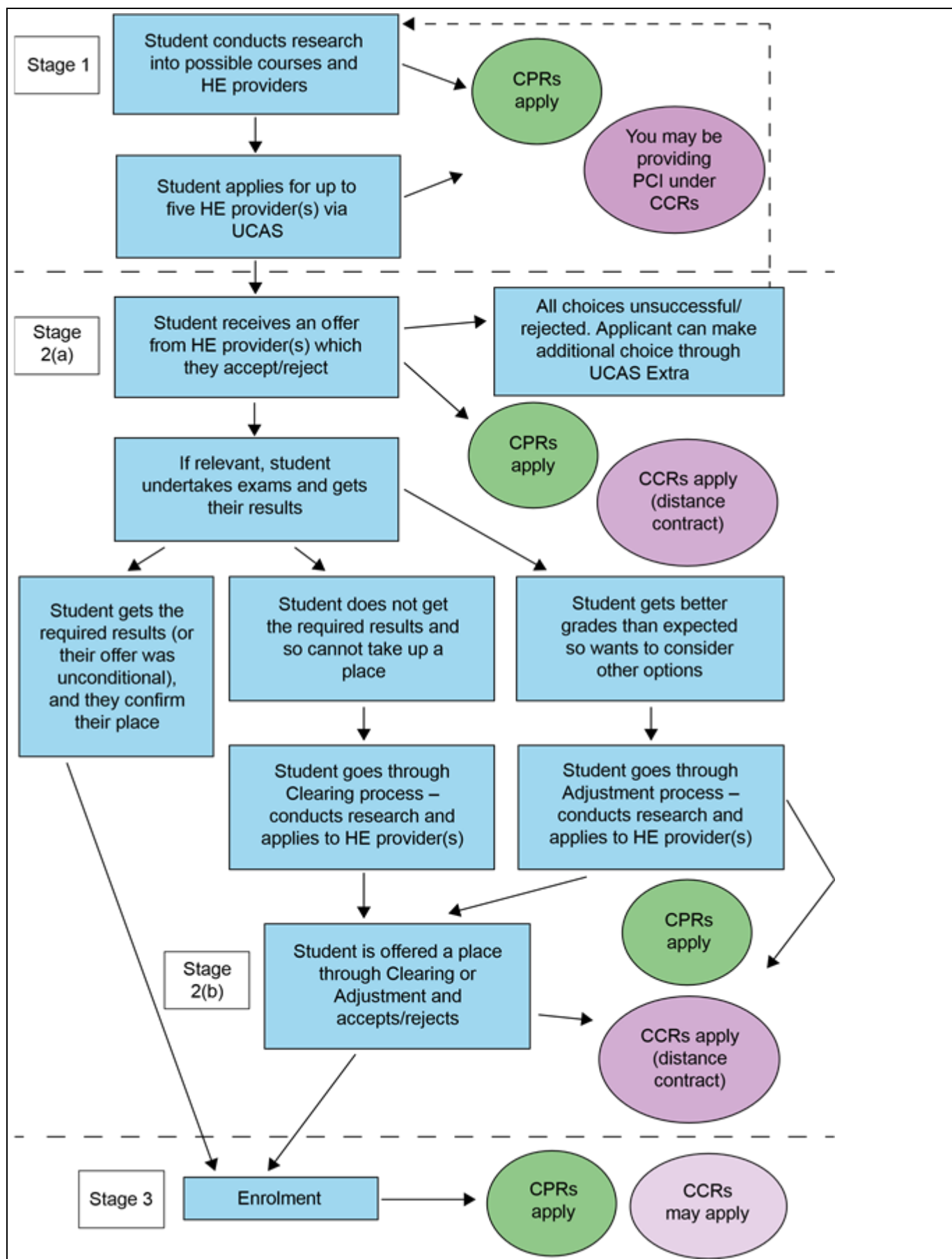
The ESL academic committee will review and update the consumer protection law compliance measures and implementation

The ESL academic committee will seek external advice to develop this consumer protection law in future

The ESL guidance on consumer protection law will be published on our websites, student handbook and our student Moodle Platform (VLE).

Your approach to providing information to applicants and students: research and application stage, offer stage and enrolment stage

ESL will comply with their obligations under consumer protection law – in particular the Consumer Protection from Unfair Trading Regulations 2008 (CPRs) and the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (CCRs) and our students will be able to make informed decision about their place of study.



Research and Application Stage

In order to comply with the Consumer Protection from Unfair Trading Regulations 2008 –(CPRs) the ESL will provide all relevant material information including the following for all our prospective students

Course Title
RQF levels
Duration
Mode of Study
Cohort Start:
Course Fee with Payment plans

ESL will make sure that this information encompasses the mode of delivery of writing, visual and verbal.

ESL will ensure this information is accurate. Current, complete unambiguous and timely deliverable. It will not omit important information that could affect students' decisions as per to the UK Quality Code part C and consumer protection law.

The ESL ensures that information is easily accessible through our website, course handbook, Student Moodle platform and at ESL open days. We also make sure that we draw prospective students' attention to important and surprising rules and regulations, and make them accessible.

Offer Stage

ESL aware that CPRs and the CCRs both apply at the offer stage. When we provide offer intended course to the student and it is accepted, the ESL and our prospective student enter into a contract. To comply with both pieces of legislation we will ensure that,

ESL will continue to offer vital information to our prospective students to inform our decisions about offers to accept

We draw prospective students' attention to our full terms and conditions, that these are easily accessible, and that we highlight particularly surprising or important terms in all our contract documents;

We offer prospective students with the necessary pre-contract information in accordance with the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (CCRs) at the latest before they accept an offer of a place to their intended course

We will get the student's consent to the change the information before or at the time of making the offer, where any pre-contract information that we have already provided and changes mentioned in the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (CCRs)

ESL will provide prospective students a notice of their 14-day right to cancel, where the application and offer are carried out through a mode of distance learning delivery with ESL.

Student enrolment stage

At this stage ESL will tell the student about any changes which affect material information (as defined in the CPRs) at the earliest opportunity and we make sure that the pre-contract information we gave to students at the offer stage will be accurate on enrolment.

We will comply with CCR regulations, where a separate contract for educational services is entered

between ESL and our prospective students on enrolment, and enrolment takes place on campus and at the same time for on-premises contracts – certain information will be provided by ESL, if it is not already apparent in our context. If enrolment takes place through online, ESL comply with the CCRs requirements for distance learning contracts.

ESL make sure that we always draw students' attention to our terms and conditions, and any other rules and regulations, and make them accessible. ESL will highlight core and surprising terms and provisions to students in our contract documents.

Your contract terms and conditions

As far as ESL terms and conditions are concerned, we will make sure that our ESL

Terms will be easily accessible and are available to students in our websites, student handbook and Moodle

Students are aware of our terms and conditions which we provide to them the opportunity to review them before they accept an offer of place with us

We highlight all important or surprising terms and draw them to students' attention before they accept an offer, so that their significance is not missed

Our terms are written in simple and intelligible language so that our students understand them and understand how they affect their rights and obligations and how the terms could impact them

Terms are not drafted in such a way that their effect could be unfair. It will strike a fair balance between ESL rights and obligations and those of students.

Furthermore, our ESL terms allowing us an unreasonably wide discretion to vary course content and structure or increase fees during the duration of the course and seek to limit our liability for non-performance or sub-standard performance of the educational service. It also provides us permission to impose academic sanctions against students for non-payment of non-tuition fee debts.

Your complaint handling processes and practices

ESL aims to provide a high standard and quality of service in respect of its academic provision, but recognises that occasionally things do go wrong. As part of its commitment to enhancing the student experience, this procedure has been established to deal with academic complaints from students. ESL will follow the UK quality Code chapter B 9 in terms of students' complaints and appeals.

Students who have a complaint to make regarding academic provision should follow the procedure below:

For minor matters in relation to module or programme design and delivery students should speak with our module lecturers or Principal of ESL in the first instance.

For matters of significance relating to any ESL staff member or tutor, students should contact the Student Welfare. (In the event of the complaint relating to the Director of Studies, they should contact the Chair of the Academic committee. This arrangement is implicit in the remainder of this document.)

Students who wish to make a complaint about a fellow student: if the matter cannot be resolved student to student, the student who wishes to make the complaint should contact the Director of Studies.

As matters that are dealt with informally at an early stage have the best chance of being resolved effectively, the formal stage of this procedure will only be applied if informal procedures have been exhausted and the complainant remains dissatisfied.

It is recognised however that there may be occasions when an informal approach is not appropriate. In such instances the student may wish to proceed to a formal stage in the procedure, giving reasons for doing so. In such situations the recipient of the complaint should decide at which stage in the procedure set out below the complaint should most appropriately be considered, taking account of its particular nature and circumstances

Scope of the Procedure

The procedure is designed to encompass complaints from students concerning their experience as an ESL student on the Common Awards programmes.

Academic complaints' can relate to any aspect of the approved academic provision including (but not restricted to) complaints from students concerning their experience of

- the arrangements for, or delivery of, teaching or assessment for the academic programme;
- the adequacy of supervision for modules that are a formal and assessed part of the academic programme;
- the academic support that is part of the academic programme;
- assessed placements that are a formal part of the academic programme;
- administrative or support services that relate to the academic programme;
- information or publicity in relation to the academic programme;
- the infrastructure for academic programmes, including learning resources and teaching spaces

The above is not a definitive or exhaustive list and academic complaints may relate to other areas of academic provision or support where these are perceived to have had a negative impact on the student's academic programme or progress.

This procedure does not extend to 'academic appeals' (i.e. appeals relating to examinations or assessments or to academic progress or against expulsion or exclusion on academic grounds).

Information on Academic committee's approach to academic appeals is available in the ESL appeals.

Stages of the Process

The complaints process has 3 Stages:

Stage 1: Informal resolution

Most complaints can be resolved informally and, where practicable, a complaint should be dealt with as close as possible to the point at which it arises. A student who wishes to complain should, therefore, initially discuss the matter with those directly responsible. If the student is unhappy about approaching the person directly responsible, they may seek counsel from their personal tutor, or another member of the ESL staff.

The Principal, or designated officer, should, if possible, have a face-to-face discussion with the student concerned, to come to an understanding of the exact nature of the student's dissatisfaction and to explore what outcome the student seeks.

If appropriate, the Principal, or designated officer, should initiate mediation as part of the informal resolution.

Wherever possible, student complaints should be resolved at Stage 1, without the need to resort to formal proceedings. A student should normally expect to receive a written or verbal acknowledgement within five working days and a full response within fifteen working days of receipt of the complaint.

At the conclusion of any informal resolution attempts, the student will be informed of the formal complaint procedure (Stage 2)

Stage 2: Formal resolution

If the Stage 1 procedures have been exhausted and the student is not satisfied with the response, he or she may initiate a formal complaint to the Principal.

If a complaint is received at Stage 2, without prior consideration at Stage 1, ESL will normally try to resolve the complaint using informal mechanisms in the first instance where appropriate.

The information to be included in the complaint by the student is as follows:

- details of the complaint;
- a statement of the action already taken to try and resolve the complaint informally and why the response given is considered unsatisfactory;
- any supporting information or evidence;
- the form of resolution or redress sought.

ESL will acknowledge receipt of the complaint within five working days.

The person dealing with the formal complaint must be independent of the source of the complaint and will either investigate the matter him or herself or will delegate responsibility to another appropriate person to undertake the investigation on his or her behalf.

The person dealing with the formal complaint will seek resolution of the complaint by a means appropriate to its nature and circumstance. Such means may include

- correspondence between the parties;

- negotiation with the student or with appropriate members of staff or with both;
- facilitation of a conciliation meeting between the student and student/staff concerned;
- facilitation of a mediation meeting between the student and student/staff concerned.

If the person dealing with the formal complaint decides to investigate the complaint via correspondence, the student bringing forward the complaint will be sent a copy of any comments obtained during this process and will be invited to submit a response. This will be done prior to a decision being reached in relation to the complaint

Stage 3: Academic Committee review

If the student is dissatisfied with the outcome of Stage 2, and believes that the complaint has been handled improperly or unfairly according to this policy, the student may request that the complaint is reviewed by Academic committee.

The student can request a review by writing to Academic committee no later than 10 working days after the date of the Stage 2 response.

The student must provide the following information:

- details of the complaint (including relevant correspondence from Stages 1 and 2, and any further new supporting documentation);
- details of why the student remains dissatisfied;
- details of the form of resolution or redress sought

The committee will determine whether to review the complaint to ascertain whether ESL 's policy and processes had been implemented correctly.

The possible outcomes include:

- if procedural irregularities are identified: the complaint will normally be referred back to ESL staff for re-investigation;
- if the complaint is deemed to be outside the parameters of an 'academic complaint', the complaint will be referred back to ESL for investigation as a complaint that is out with the ESL policies;
- if ESL policies and processes have been implemented correctly: the complaint will normally be dismissed, the reasons for dismissal will be provided to the student in writing, and a completion of procedures letter will be issued.

The student will be notified of the committee's decision within 28 days of the University's receipt of the request for a review.

If the committee dismisses the review request there shall be no further opportunity for the complaint to be pursued within the committee.

The committee's formal response at the completion of Stage 3 will advise the student that they can refer their complaint to the Office of the Independent Adjudicator.

Office of the Independent Adjudicator

If Stages 1-3 have been completed and the student remains dissatisfied with the outcome, the student may complain to the Office of the Independent Adjudicator (OIA) within 3 months of the issue of a completion of procedures letter by the academic committee.