

# Self-assessment on guidance on Consumer protection law

We have given due regard to and believe that we are compliant with consumer protection law. We think this because we:-

- Have clear policies and procedures relating to information for staff and students, complaints procedures, Ethics protocols and terms and conditions, with the key and most onerous terms summarised in application form.
- Policies, procedures, and terms and conditions are all made available to students prior to application in a policies section of the ABA website, and are also made available to staff and students on the student and student portal;
- A practising solicitor sits in board of governance who is responsible for consumer protection law issues, and provides legal advice when developing new contracts, or when we change terms and conditions or policies that effect our students;
- Consumer protection law issues are discussed in relevant committees and panels within the ABA governance structure including the Academic Board (who deal with all complaints, student registration, and non-academic appeals), Admissions committee (who deal with student enrolment), and the Academic Misconduct , Plagiarism are dealt in Disciplinary Committee;
- There is an annual review of all contracts with students, and all ABA policies and procedures by ABA senior management . All contracts and policies in which consumer law issues arise are further referred to the solicitor for review before being sent to the Board of Governance for approval.

The evidence that demonstrates this is set out below.

## **Overall approach to consumer protection compliance:-**

- Staff training is provided as part of the staff training on consumer law issues including complaints and appeals
- Additional external staff training was taken by centre manager, who then delivered training to staff on effectively handling complaints in compliance with the OIA Guidelines;
- Staff in key consumer law compliance roles as per staff development procedure attend trainings
- Information provided to students, including policies and terms and conditions, is governed by ABA's Public Information Policy, which is made available on ABA's student portal. This policy provides for review by ABA's solicitor where appropriate.

## **Providing information to applicants and students: research and application stage, offer stage and enrolment stage**

ABA ensures that applicants and students are provided with accurate

information about their course, fees and other relevant costs and about our institution, and that such information is accurate, clear, timely and accessible. We provide such information to students by:-

Publishing a prospectus containing information on

- Contact details
- Campus address and transport links
- Student support services
- Opening hours
- Course module breakdown with credits and assessment methods
- Amounts and sources of student loans and maintenance funding
- Application process

which is available to students on request through our website.

- Publishing a Student Handbook, which as well as the information above (except course module breakdown) includes summaries of key contract terms and ABA policies and procedures (e.g. for admissions, re-admissions, code of conduct, complaints, and disciplinary procedures), which is available to students on the student portal.
- Providing the following information to students and applicants on ABA's website:-
- Course details including course duration, level, awarding body, qualification, dates, fees, entry and English language requirements, modules available, assessment method, skills profile, and employability information for each course on ABA's website using the link <http://abacademy.co.uk/>
- Copies of ABA's major policies and enrolment terms and conditions;
- Accreditations;
- Location;
- Statements on Access and Participation, Student Protection plan and compliance with consumer law requirements;
- News about activities of the Academy and its students
- Course timetables and submission dates;
- Copies of ABA policies and terms and conditions of enrolment;

We ensure this is accurate and clear by ensuring that all public information to students is developed and approved in accordance with ABA's Public Information Policy and signing off Procedure and website monitoring is routinely carried out by the staff and students across all web platforms and policies to identify and correct any unclear or inaccurate public information.

In addition to the website and student portal, the following information about the course is provided to applicants in the offer letter sent to the

student prior to accepting enrolment on the course, in line with the CMA Guidance and the requirements of the Consumer Rights Act 2015:-

- Course title
- Point of Entry
- Duration
- Awarding Body
- Study Mode
- Start and End date
- Course Fee per year, plus statement that it is exclusive of VAT and payment method details
- Teaching hours
- Location
- Mode of acceptance
- Cancellation rights
- Additional fees not included in course fee e.g. fee for copy letter, resit fee
- Accreditation, quality and regulation statement, including typical level of qualification for teaching staff
- Complaints procedure
- Contact details
- Withdrawal form

### **Contract terms and conditions**

We have the following contracts with students:-

- Enrolment terms and conditions (incorporating the code of conduct);
- DBS Checking Agreement (if needed);
- Work Placement Agreements (if needed) ;

Our terms and conditions, including policies and procedures, and awarding bodies regulations, are made available to students through the policies section of our website and student portal. The terms and conditions of enrolment are also displayed prior to enrolment, and enclosed by email with the offer letter sent after enrolment.

We ensure that terms and conditions and regulations are clear and understandable to students by summarising the key terms in the offer letter (e.g. payment terms and situations in which a refund of pre-payments may be refused), and highlighting the most onerous or important terms in bold in the terms and conditions.

We ensure the terms are fair by ensuring that any change to the terms of conditions is made only after review by our solicitor, in consideration of the CMA Guidance.

## **Complaints and Grievances Procedures**

### **Introduction**

The Academy strives for excellence in the services it offers. However it accepts that, on occasions, individuals will feel the need to complain. The Academy will ensure that a set of procedures exists to deal speedily with such complaints in a fair and equitable manner.

The intention behind the Complaints Procedure is to:

- improve the service the Academy provides to learners, employers, staff and the broader local community
- clarify for staff and learners the procedures for handling complaints
- ensure and encourage that the procedures are sensitive to issues of confidentiality
- encourage clients to seek means of resolving problems without further or more formal procedures.
- provide where appropriate means of recording both the nature of complaints and the effectiveness of their resolutions
- encourage a regular process of monitoring and reviewing records within the quality assurance framework.

#### **Who can complain?**

Complaints can be made by any of the client groups i.e learners, employers and staff members if and when applicable.

#### **What can be complained about?**

Complaints can be made about:

- unfair coursework marking and grading
- other learners
- course tutors
- non-academic staff, including management
- alleged unfair treatment at place of work
- Academy policies and practices

For complaints against unfair coursework marking and grading it is appropriate to refer to Procedure 2.1 Academic appeals.

#### **Issues excluded from Complaints procedures**

There are three issues excluded from the complaints procedures:

- services outside the Academy`s control, e.g, funding criteria,
- issues involving criminal offences.
- matters dealt with under other procedures such as the Disciplinary Procedures

If the complaint is found to be malicious, action may be taken against the Complainant

### **Possible outcomes of complaints**

The possible outcomes are

- an apology and/or appropriate redress.
- a correction of any error
- an improvement in services

### **The processes of a complaint**

The processes of complaints is a 3 stage process (see below)

### **Monitoring and review**

The Academy will maintain confidential records of all complaints that are dealt with. Data on numbers of complaints and issues involved will be held but not the names of the individuals or specific courses involved.

### **Training and support**

The Academy will ensure that all persons involved in the implementation of this procedure will have access to appropriate training and support.

As it is recognised that staff who are the subject of a complaint can find it a very stressful experience, support will be provided as and when appropriate.

If members of staff are affiliated to a recognised Trade Union they may find it helpful to discuss the matter with their representative. They are entitled to union representation during the investigation of any complaint.

### **Complaints process**

#### **Stage 1 – Informal**

- Anyone who has an issue with any persons or procedures relating to the Academy should seek to discuss their concerns with the appropriate person, trying to resolve the issue or concern informally. At this stage the complaint could be resolved by discussion, or clarification, or other possible means applicable to the complaint. At this stage the complaint needs to be resolved very quickly (within a maximum of 5 working days)
- The Academy expects that all complaints are made in writing (for record purposes) via the Complaints form.

### **Stage 2 – Formal**

- If the complaint cannot be resolved at stage 1, the Student Welfare Officer should be notified within 5 days and a formal meeting will be arranged. Following the meeting the Academy will write to the complainant with the outcome and the proposed action to be taken
- At this stage the Academy requires the complaint, with any supporting evidence, to be recorded in writing
- The Academy would hope to produce a response within 5 working days of the meeting. However, this might on occasion take up to a maximum of 10 days.

### **Stage 3 – Final Stage**

- If the complainant is not happy about the response to their complaint at stage 2, they may appeal the decision to a final adjudicating committee, which will include an independent person. If the complaint is not resolved at this stage an independent adjudicator can be arranged. All parties are expected to abide by the independent adjudication process.
- The complainant may be accompanied by someone at this stage and evidence from stage 2 will be reconsidered
- The complainant will be notified of the outcome in writing within 15 working days. The decision at this stage will be final. At the end of the complaint process, all records of complaints will be securely retained to ensure confidentiality and a clear audit trail.

### **UK Quality Code references:**

Chapter B3 Learning and teaching Chapter B9 Complaints and appeals  
Part C: Information about Higher Education Provision

### **Appendices:**

- Public Information policy
- Review and sign off of public information
- Staff development

- Staff recruitment and selection
- Student Handbook
- Ethics protocols
- Use of external advisers
- Prospectus