

Open Letter to CMA

Competition and Markets Authority, The Cabot, 25 Cabot Square, London, E14 4QZ

Dear Dr. Andrea Coscelli CBE,

We are writing to you as student representatives to ask you to take action to uphold students' rights during this pandemic.

This year, students have been paying full tuition, despite most having lost key parts of their educational experience and many having been sold a promise of "blended learning" that has not been delivered.

Hundreds of thousands of students have been left with no viable route to redress on any meaningful scale, and as far as we can make out the CMA has completely ignored the issue - despite multiple petitions to the government which have gained hundreds of thousands of signatures.

Almost all students have experienced a diminished experience in comparison to that which was originally promised and advertised to them. Most have been denied access to campus facilities and services, many have had practical material components of their course removed or dramatically changed, and hundreds of thousands of them have been asked by the government to not return to campus accommodation that they are still being charged for.

None, that we are aware of, have actively consented to the changes that have been made to the educational offer from their higher education or accommodation providers, and we are not aware of any systemic rebates or refunds for students outside of the university-run accommodation sector.

Any rights to redress that might apply under the Consumer Rights Act and related legislation are not at all clear to them or us, and our members are telling us that while they understand the process they might go through to make a complaint, they are not clear on the basis upon which a complaint might be justified.

Specifically, students are not at all clear on the way in which or extent to which the generic advice you issued last year on consumer contracts, cancellation and refunds would apply in the case of student tuition fees or rental accommodation.

Local Citizens' Advice bureaux are also not clear either on students' rights, and local Trading Standards offices have indicated that they do not believe these sectors are in their role to act over.

The pandemic has exposed contradictions of the higher education fee system for funding higher education in the UK, with students being forced to pay astronomically high fees while having no power to ask for refunds when they lose out.

The alternative dispute resolution process provided by the Office of the Independent Adjudicator (OIA) for students to reclaim fees appears to be designed to frustrate complainants into defeat. It is reliant on inadequate and overwhelmed university complaints processes, is extremely long-winded and complicated, it puts an undue burden on students to force through their complaints, and it deals with complaints on a course-by-course basis, removing any recourse for blanket refunds.

We are not dealing with isolated cases of low-quality teaching in some courses; *all* students' educational experiences have been massively impacted by the pandemic, a fact which universities refuse to admit. The current complaints process is directed at investigating individual courses, putting the blame for lost education on the delivery of those courses rather than recognising the endemic problems students are facing in their education this year.

The OIA's complaints process' complexity, length and compartmentalisation of individual complaints make it totally unequipped to provide students with the collective fee justice that the current circumstances necessitate.

Further, ministers have repeatedly argued that students who feel they are not getting the "quality" should complain – but university complaints procedures and the OIA routinely exclude complaints about "academic quality" from consideration on the basis that they represent a challenge to "academic judgement".

The assurance made by government, the Office for Students, and Universities that students are able to claim fee refunds through the OIA is a falsehood designed to placate students into inaction. The myth protects universities and the government from mass fee refunds with no regard for students' rights.

Ultimately, students are not comfortable with paying for their education as a product, and this pandemic has proven that students are seen as consumers only when it suits, so that universities can extract fees from them. If universities cannot afford to refund students when they are offering a quantifiably worse educational experience, then they should not be charging students in the first place.

The power in this struggle is in the hands of universities and the government organisations supporting them. They are purposefully blocking students' attempts at compensation to save themselves. Students need an external organisation with no vested interest other than upholding students' rights to step in and give them the power to seek collective fee justice. The CMA must act now.

Tuition is not the only area where students are having their rights trampled. While many universities have refunded students in halls, private student accommodation companies, with some notable exceptions, have continued to charge full price. This is despite many marketing

themselves based on facilities that students are unable to use because of the lockdowns, and many students aren't using their accommodation at all as they are stuck at home. These companies need to give students refunds in line with what many universities have provided.

The CMA has been silent on student concerns for too long. Students deserve better than to be left paying for tuition fees and accommodation without support from the CMA. Please stop ignoring students, and stand up for our rights as you have done in other sectors:

- **Advise students on their ability to withhold fee payments if they have lost out on educational experiences and facilities due to Covid-19.** This is currently made impossible for most home undergraduate students as it is disallowed by Student Finance England, and it can carry extreme risk for those paying out-of-pocket as universities will threaten students with withdrawal from their course and international students with deportation if they fail to pay. This appears to contravene the CMA's [own guidance](#) and is one of the clearest examples of how power is being denied to students.
- **Address the broken complaints process students have been given to claim refunds,** allowing students to act for collective refunds in recognition of the fact that the impact of Covid on education has been felt across the board. The process should also take less time and its complexity reduced.
- **Facilitate students asking for blanket fee refunds** – All students' education has been impacted by the pandemic, but there is no way for them to seek collective fee justice as the OIA's process only accepts complaints made about specific courses. The CMA can help raise the concerns of all students at university this year.
- **Explain to students how they can prove that the 'quality' of their course has not met the required standards for full tuition.** Nobody understands what the government means by poor quality courses, and the language seems to blame the academics delivering courses for lost education when it is the unavoidable result of the pandemic and 'blended learning' being mis-sold by universities. The OIA tells us that quality can be measured by comparing the education provided against the learning outcomes for your course, but this narrow definition ignores the reality of what a good educational experience entails and contradicts what universities tell students they are paying for (see [University of Bristol's fee breakdown](#) as an example). Clarification is needed if students are to effectively ask for refunds.
- **Address the issues facing students in private halls,** who have been mis-sold the facilities that will be accessible to them, and many of whom aren't even able to use their accommodation due to various lockdowns.
- **Meet with us** to discuss why these actions are necessary.

David Ion, Undergraduate Education Officer, Bristol Students' Union

Beth Eyre, President, University of Sheffield Students' Union

Salma Hussain, President, King's College London Students' Union

Sunday Blake, President, University of Exeter Students' Guild

Cara Chittenden, President Exeter, Falmouth and Exeter Students' Union

Carol Paige, Democracy, Operations and Community Officer, Student's Union UCL

Shamima Akter, President, Queen Mary University of London Students' Union

Ellen MacRae, President, Edinburgh University Students' Association

David Gordon, General Secretary, LSE Students' Union

Patrick O'Donnell, President, University of York Students' Union

Adnan Hussain, President, University of Liverpool Guild of Students

Seun Twins, President, Durham Students' Union

Madeleine Fox, Union Development Officer, Nottingham Students' Union

Ben Farmer, VP Charities and Community, Oxford Students' Union

Tomos Evans, President, Cardiff University Students' Union

Executive Team, University of Manchester Students' Union.

Claudia Shaw, VP Education, Northumbria Students' Union

Penny Dinh, VP Education, University of Exeter Students' Guild

Liam Brady, President, Glasgow University Students' Representative Council

Grian Ní Dhaimhín, Uachtarán, Aontas na Mac Léinn Ollscoil na Banríona
Grian Ní Dhaimhín, President, Queen's University Belfast Students' Union

Larissa Kennedy, President, NUS

Ben Margolis, President (UG), Cambridge Students' Union