

Consumer rights and complaints in English higher education: A new form of student agency?

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Research Domains

Student Access and Experience (SAE)

Abstract

This paper explores the ways in which consumer rights and complaints intersect and provide students with a new form of agency to exercise their voice. Drawing on theoretical ideas on consumer activism (Arbel and Shapira, 2020a, 2020b) and complaint as a form of political action (Ahmed, 2021), it will discuss the extent to which student-as-consumer rights and complaints can empower students to exploit market tools to advocate for change in English universities. Examples are provided from recent student complaint cases, including those covered in media and by the Office for Independent Adjudicator. Overall, the paper invites the audience to challenge our normative understandings of student political agency as merely relating to activism and protest, and encourages a more nuanced perspective to political agency. This new form of political agency related to complaints can flourish in marketised higher education where the universities' reputation or market position are at stake.

Full paper

Context

The English higher education (HE) is going through a major financial crisis where the issues around the university funding model, aftermaths of the Covid-19 pandemic and the changes in immigration politics contribute to financial difficulties that most English universities experience. Furthermore, HE policies over the past decade have been constructing the student-as-consumer who ought to be confident in speaking up when 'value-for-money' is at risk. The financial crisis intersected with consumer rights, is expected to be at play in the rise of student complaints. In fact, the English universities are required by the Consumer Rights Act 2015 to have procedures in place to enable student complaints (Raaper, 2024; Fulford & Skea, 2019).

The information about student complaints handled by universities is restricted information, however, the latest Office for Independent Adjudicator annual report (2024) shows that the number of complaints received by the Independent Adjudicator (those unresolved within HE institutions) has increased by over 50% between 2017 and 2023. While students can complain about many things, it is the service-related issues that made over a third of all (n=3137) complaints in 2023. These complaints related to poor quality of teaching, limited/undelivered service, or misleading marketing messages.

Research objective and question

While academic research has yet to deal with the topic of student complaints, it is evident that complaints have become a natural part of market-driven universities. This paper deals with this scholarly gap by focusing on the question: *To what extent can consumer rights and complaints provide students with political agency in marketised HE?* In responding to this question, the paper provokes a more agentic view of the student-as-consumer and considers the potential agency embedded in student complaints processes. As Ahmed (2021, 24) has vividly explained, 'complaint offers a way of attending to inequalities and power relationships from the point of view of those who try to challenge them'. Furthermore, and borrowing from Arbel and Shapira (2020a, 2020b), I introduce the concept of 'nudnik' to capture students-as-consumers who are complaints focused and whose actions lead to various legal/reputational sanctions for universities. Overall, this paper not only contributes to our scholarly understanding of student complaints, but it advocates for a more nuanced understanding of what counts as students' political agency in marketised universities.

Conceptual approach and lessons learned

The key arguments of this paper derive from an engagement with research on consumer activism and legislation that defines students-as-consumers. I will discuss how English universities are required to comply with the Consumer Rights Act 2015 that formalises consumer relations as regards information provision, terms and conditions, and complaints handling (CMA, 2015). In addition, the OIA is empowered to oversee and handle student complaints; they also produce annual reports (Buckton, 2008). The latest OIA report (2024) indicates that most students who reported a complaint felt that their needs had not been met by their universities; hence why the third of student complaints in 2023 was from students with disabilities (45% of these involved a mental health condition). In the era of EDI

initiatives in British universities, students may feel more confident in expressing their diverse needs/expectations.

Media, however, tends to override the empowering aspects of complaints and view complaints as unreasonable or a risk to academic freedom. A remarkable case related to Faiz Siddiqui, a graduate from the University of Oxford, who sued the university for £1 million pounds for the loss of earnings he argued resulted from poor teaching that he received as an undergraduate. Siddiqui's case was dismissed by the UK's High Court in 2018 with the judge saying he was not convinced the university's teaching was 'negligently inadequate' (BBC, 2018). More recently, there are two former Anglia Ruskin students taking legal action against the university and claiming that problems during their Legal Practice Course prevented them from progressing in their legal careers (Croft, 2025).

As student complaints and related legal cases are on the rise, it seems pertinent to consider student positioning as *nudnik* who exercises their political agency through consumer rights. Many (e.g. see Brooks, 2022; Harris, 2018; Jones, 2022; Raaper, 2021, 2024) would argue that student awareness of consumer rights has increased over the years which can be credited to tuition fee increases. Examining complaints processes can therefore reveal the power of students as consumers and agency they have in relation to prevailing market forces. It is also an opportunity to add nuance to the concept of political agency in marketised HE and question the opportunities and risks related to the empowerment through consumer rights.