

**Northumbria University -Competition and Markets  
Authority Policy**
**Ref: PL.069-v001**

<b>Brief Description &amp; Purpose:</b>	<p>In March 2015 the Competition and Markets Authority (CMA) provided guidance to Higher Education Institutions that provide undergraduate programmes about their obligations to students in terms of consumer regulations, the provision of up-to-date, accurate programme information. The guidance requires the University to ensure that it remains within the law.</p> <p>This Policy outlines the University's approach to CMA compliance and applies to:</p> <ul style="list-style-type: none"> <li>i. all staff, governors and third parties (including agents, <u>sub-agents and partners</u>) acting on behalf of the University and all University-controlled activities (<i>all levels, all modes of delivery</i>) undertaken in the UK and overseas, involving students and partner organisations.</li> </ul> <p>The Policy does not apply to Northumbria Students' Union, although they will seek to comply with the guidance, managed within their own governance structures.</p>		
<b>Applicable to (list cohorts):</b>	<b>Staff:</b>  All staff	<b>Students:</b>  Not applicable	<b>Third Parties:</b>  Third parties (including agents, <u>sub-agents and partners</u> ) acting on behalf of the University and all University-controlled activities ( <i>all levels, all modes of delivery</i> ) undertaken in the UK and overseas, involving students and partner organisations
<b>Effective From:</b>	July 2025	<b>Last Review Date:</b>	June 2025
<b>Approval Authority:</b>	Board of Governors	<b>Approved:</b>	30 <sup>th</sup> June 2025
<b>Executive Owner:</b>	Executive Director - SLAS	<b>Business Owner:</b>	Director, Student Recruitment, GM&B  Academic Registrar, SLAS  Pro Vice Chancellor (London Campus)  Director of Global Partnerships, GM&B  Legal, General Counsel
<b>Next Review Date:</b>	30 <sup>th</sup> June 2026	<b>Publication External Y/N</b>	Y

## Competition and Markets Authority Policy

### **Section A: Introduction and overview**

A1.1	In March 2015 the Competition and Markets Authority (CMA) provided guidance to Higher Education Institutions that provide undergraduate programmes about their obligations to students in terms of consumer regulations, the provision of up-to-date, accurate programme information. The guidance requires the University to ensure that it remains within the law.
A1.2	If we do not meet our obligations, we may be in breach of consumer law and risk enforcement action. In some circumstances, students may also have the right to take legal action against the University or seek redress, such as full fee repayment.
A1.3	All types of information given to current and prospective students falls within consumer law. This includes information given from enquiry through to enrolment and <u>whilst on programme</u> via both print/digital communications (emails, letters, website) and oral communications (face to face, telephone conversations, Open Days /NUx Days).
A1.4	We are required to give prospective students the information they need to make an informed decision before they apply. However, the 'material information' (A2.1) provided to a prospective student is included within the offer letter and this is used to form the contract between the University and the student.
A1.4	CMA guidance principally covers undergraduate applicants and students. However, the University has decided to extend the principles to all students to reflect best practice.
A1.5	<u>Digital Markets, Competition and Consumers Act 2024 (DMCC) has introduced a redefinition of a 'transactional decision'. This means any decision made by a student about whether, how, or on what terms to purchase, retain, or cancel a service (before, during and after). This means that a student's choice to re-enrol, withdraw, accept (material) changes, or respond to (material) programme or service alterations is now part of the protected consumer decision-making process.</u>
A1.6	<u>DMCC also tightens the stance around 'misleading by omission'. Previously, students had to prove being aware of omitted information would have led to different choice. Now the omission is enough to be considered a breach. This extends beyond programmes and into ancillary services, facilities, access, or general information e.g. claims around potential part time employment opportunities in the city.</u>
<b>A2</b>	<b>Key Definitions</b>
A2.1	<b>Material information</b> is the 'important information' about a programme or studying at the University, that might affect a prospective student's choice when making an informed decision about what and where to study. Examples include title, fees, additional costs, modules, duration, assessment methods. <u>It is important to note that this covers services, facilities and accommodation.</u>
A2.2	<b>Material change</b> is the term used for a change to the important information ('the material information') provided about a programme post contract.
A2.3	Pre-contractual stage includes the promotional and recruitment period. For home and international applicants this can be from 18 months (UG) and 12 months (PG). For Foundation Year and Pathway applicants this period can be extended by 12 months as their target programme should also be considered.
A2.4	Post-contractual stage starts from the point at which the offer is made and accepted, which could be from 1 October in the year preceding the student enrolling the following September, therefore up to almost 12 months prior to enrolment. For Foundation Year and Pathway applicants this period can be extended by 12 months as their target programme should also be considered.
A2.5	Major/Minor Framework - an assessment framework developed by Registry to determine whether a planned programme change has CMA implications (major) or not (minor). For example, some 'major' changes may not be 'material' changes but do have CMA implications, because of what is made publicly available to applicants by Northumbria.
<b>A3</b>	<b>Legislative context</b>

A3.1	The University has a legal obligation to comply with consumer protection legislation including <a href="#">The Consumer Protection from Unfair Trading Regulations 2008</a> , <a href="#">The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013</a> <i>and Digital Markets, Competition and Consumers Act 2024</i>
A3.2	Compliance with consumer protection laws is monitored externally by the Competition and Markets Authority (CMA) and the Office for Students (OfS). The CMA has issued <i><a href="#">advice on consumer protection law</a></i> in relation to higher education in England. This guidance sets out the responsibilities of higher education providers in relation to both prospective and current students. The CMA have also published a <a href="#">guide to consumer rights for students</a> .
A3.3	<i><u>The Digital Markets, Competition and Consumers Act 2024 has strengthened the powers of CMA. It will now be able to directly assess and enforce breaches of consumer protection rules without having to rely on court decisions, impose civil penalties for unfair commercial practices (up to a 10 per cent of turnover), and hold corporate officers liable for offences if they are found to have consented to or negligently allowed breaches of consumer protection law to occur.</u></i>

## **Section B: Scope and application of this Policy**

B1.1	This Policy applies to: <ul style="list-style-type: none"> <li>ii. all staff, governors and third parties (including agents, <i><u>sub-agents and partners</u></i>) acting on behalf of the University and</li> <li>iii. all University-controlled activities (<i>all levels, all modes of delivery</i>) undertaken in the UK and overseas, involving students and partner organisations.</li> </ul>
B1.2	The Policy does not apply to Northumbria Students' Union, although they will seek to comply with the guidance, managed within their own governance structures.
<b>B2</b>	<b>The University's approach to CMA compliance</b>
B2.1	The University is required to: <ul style="list-style-type: none"> <li>i. provide applicants and students with clear, accurate and timely information to enable them to make an informed decision about what and where to study</li> <li>ii. ensure our terms and conditions are fair</li> <li>iii. ensure that our complaints handling processes are accessible, clear and fair</li> <li>iv. <i><u>ensure 'situational vulnerability' of the student is considered in our practices, with no high pressure sales, short decision deadlines, limited options or information on options when accepting material changes</u></i></li> <li>v. <i><u>be transparent about the use of agents and commission payments</u></i></li> <li>vi. <i><u>ensure no misinformation, fake reviews, pressure sales tactics by the University, agents, sub-agents or third parties</u></i></li> </ul>
B2.2	The University will seek to ensure that the required 'material' information accurately reflects what students will study and how they will be assessed, and that the information is easily available to applicants in a timely manner at the pre-contractual stage (before their offer is made), and the post-contractual stage (once their offer is made and for the duration of their programme). It should be noted that this material information may differ from cohort to cohort, depending upon the year of entry. The reference source is the Offer Letter and accompanying Handbook of Student Regulations.
<b>B2.3</b>	<i><u>The University will seek to ensure that material information about 'ancillary services' is accurate and sufficiently detailed. Ancillary services include accommodation, wellbeing support, library, careers, sport and facilities (including the standard of, and access to).</u></i>

B2.4	<p>The following principles apply:</p> <ul style="list-style-type: none"> <li>i. Single sources of information will be used wherever possible. If we need to share information with our prospective or current students, we refer to the approved source information wherever possible. We avoid re-writing or re-stating already published information. We avoid creating information sources that fall out of date without being managed.</li> <li>ii. Each person involved in the process has responsibility for checking that the information provided is consistent with the approved specifications for programmes, modules and studying at Northumbria.</li> <li>iii. We clearly identify and communicate changes. When changes are made to programmes, modules and other core aspects of studying at Northumbria, the changes are evaluated via the Quality Assurance procedures and significant changes are communicated to prospective students <u>and consulted on with</u> current students.</li> </ul>
<b>B3</b>	<b>Implementing the Policy</b>
B3.1	<p><u>Policy responsibilities</u></p> <p>The Executive Director of SLAS is the University Executive Sponsor for CMA Compliance and is accountable for this Policy and future Policy Reviews.</p> <p><u>All members of Senior Management Group are responsible for ensuring staff in their teams have completed the appropriate CMA training</u></p>
B3.2	<p><u>Pre-contractual information</u></p> <p>a) The Chief Marketing Officer is accountable for:</p> <ul style="list-style-type: none"> <li>i. Accurately providing the <u>programme</u> material information to all prospective applicants/applicants, agents and partners, using SITS information as a foundation</li> <li>ii. <u>Accurately promoting the programme overview as approved by Programme Leaders</u></li> <li>iii. <u>Accurately promoting the material information about ancillary services as provided by the relevant Service Director</u></li> <li>iv. <u>Producing compliant offer letters for all on campus Northumbria students including London Campus, Pathway, other UK partnerships and Distance Learning Students</u></li> <li>v. <u>Oversight and approval of all other partnership offer letters such as TNE</u></li> <li>vi. <u>Leading the collation, approval and publication of fees, discounts and additional costs for all Northumbria programmes excluding TNE.</u></li> <li>vii. <u>Ensuring entry requirements for all Northumbria programmes are agreed and published in a timely manner and accurate</u></li> <li>viii. <u>Ensuring clarity to prospective students over the use of agents for recruitment to Northumbria programmes</u></li> <li>ix. <u>Ensuring fair and transparent sales processes for Northumbria students, including agents, sub-agents and third parties</u></li> <li>x. <u>Ensuring non-compliance of the above items is managed on behalf of the University</u></li> </ul> <p>b) The Executive Director, SLAS is accountable for</p> <ul style="list-style-type: none"> <li>i. Ensuring SITS is used as the 'Single Source' of programme specific material information (excluding entry requirements) and that information is accurate for all programmes taught across all campuses</li> <li>ii. Ensuring all material changes are assessed against the Major/Minor framework and GM&amp;B colleagues are informed where Major Changes are being made.</li> <li>iii. Leading the programme change process and ensuring 'single source' (SITS) data is up to date for all programmes across all campuses</li> <li>iv. Providing clarity over compulsory and optional modules</li> <li>v. <u>Ensuring accurate and transparent information is provided around wellbeing services, library, careers</u></li> <li>vi. <u>Ensuring CMA e-learning staff training is available and up to date</u></li> <li>vii. <u>Ensuring non-compliance of the above items is managed on behalf of the University</u></li> </ul> <p>c) The Faculty Pro-Vice Chancellors are accountable for ensuring</p> <ul style="list-style-type: none"> <li>i. Academic Colleagues follow the programme change process as set out by Academic Registry, and plan appropriately to ensure offer letters are correct</li> </ul>

	<ul style="list-style-type: none"> <li>ii. Additional Costs are updated annually as per process led by GM&amp;B</li> <li>iii. Withdrawals and suspensions are planned to align with recruitment cycles, before offer letters are distributed</li> <li>iv. Academic Colleagues <i>complete</i> training regarding CMA compliance before presenting at an Open Day/NUx Day or representing the University at Clearing</li> <li>v. Academic Colleagues approve programme content and ensure it is accurate for promotion of programmes</li> <li>vi. <u>Any faculty partnerships or third parties, who recruit students or teach onto programmes are briefed in our CMA obligations and proactively managed to ensure compliance</u></li> <li>vii. <u>Ensuring non-compliance of the above items is managed</u></li> </ul> <p>d) The Pro Vice Chancellor (London Campus) is responsible for ensuring London Campus <i>and Pathway</i> partner, QAHE</p> <ul style="list-style-type: none"> <li>i. <i>has a process in place to manage CMA compliance with appropriate training and any non-compliance is managed</i></li> </ul> <p>e) <u>The Chief Financial Officer is responsible for</u></p> <ul style="list-style-type: none"> <li>i. <u>Ensuring Faculty Operations teams provide accurate and transparent information around facilities, covering both the standard of the facility and process to access</u></li> <li>ii. <u>Ensuring accurate and transparent information is provided for accommodation contracts</u></li> <li>iii. <u>Ensuring accurate and transparent information is provided regarding elite and participation Sport facilities and opportunities</u></li> <li>iv. <u>Ensuring non-compliance of the above items is managed</u></li> </ul>
B3.3	<p><u>Post-contractual information</u></p> <p>a) The Chief Marketing Officer is accountable for</p> <ul style="list-style-type: none"> <li>i. Updating and redistributing offer letters following any Major/Significant Changes</li> </ul> <p>b) The Executive Director, SLAS is accountable for</p> <ul style="list-style-type: none"> <li>i. Ensuring all 'material' changes <u>to programmes</u> are assessed against the Quality Assurance Framework and GM&amp;B colleagues are informed where Major Changes/Significant Changes are being made.</li> <li>ii. Managing the programme change process, including: advising academic colleagues on whether consultation with current students is required; keeping records of reported consultation activity via the completed CMA Programme and Module Change Requests Form; and ensuring 'single source' (SITS) data is up to date</li> <li>iii. <u>Reviewing any planned service changes to Library, Wellbeing Support and Careers is assessed against CMA guidance, and the risk is managed</u></li> </ul> <p>c) Faculty Pro Vice-Chancellors are accountable for</p> <ul style="list-style-type: none"> <li>i. Ensuring students are consulted regarding on-programme changes and correct records are kept. <u>Situational vulnerability is managed, all options fully explained, and appropriate time given for students to seek further (internal or external) advice before making a decision</u></li> <li>ii. <u>Ensuring that teach-out commitments for planned programme closures are fully explained to students remaining on the programme and records kept</u></li> </ul> <p>d) <u>The Pro Vice Chancellor (London Campus) is responsible for ensuring London Campus and Pathway partner, QAHE, follow Northumbria processes where applicable for major programme changes, teach out and changes to ancillary services.</u></p> <p>e) <u>The Chief Financial Officer is responsible for ensuring any planned service changes to Sport, Accommodation and facilities is assessed against CMA guidance, and the risk is managed</u></p>

B3.4	<p><u>Partnerships (TNE&amp; Partnerships)</u></p> <p>a) Pro Vice-Chancellor International is accountable for ensuring TNE partner operating handbooks accurately reflect Northumbria's and the partners' obligations regarding CMA, <u>including the management of agents and sub-agents, and contains a documented process for managing CMA.</u></p> <p>b) Pro Vice Chancellor London is accountable for ensuring partner contracts and operating handbooks <u>within their portfolio</u> accurately reflect Northumbria's and the partners' obligations regarding CMA <u>including the management of agents and sub-agents</u></p> <p>c) Faculty PVC's are accountable for ensuring partner contracts and operating handbooks <u>within their portfolio</u> accurately reflect Northumbria's and the partners' obligations regarding CMA <u>including the management of agents and sub-agents</u></p>
B3.5	<p><u>Dealing with Complaints</u></p> <p>Complaints will follow the standard University process under the relevant policy</p> <p>a) Prospective students via the Admissions Complaints policy</p> <p>b) Current students via the Complaints Process detailed in the Handbook of Student Regulations</p>

### **Section C: Record Keeping and Information Sharing**

<b>C1</b>	<b><u>Record Keeping</u></b>
C1.1	<p><u>Pre-contractual information</u></p> <p>The Chief Marketing Officer is responsible for ensuring the following information is available if required</p> <ol style="list-style-type: none"> <li>previously published material information by programme <u>and ancillary services for all Northumbria programmes</u></li> <li>individual offer letters, including updates following programme changes</li> <li>Open Day/NUx Day presentations, on campus and virtual</li> <li>information provided to agents and partners for all Northumbria programmes</li> </ol>
C1.2	<p><u>Post-contractual information</u></p> <p>The Executive Director, SLAS is responsible for ensuring the following information is available if required</p> <ol style="list-style-type: none"> <li>Assessment of programme changes against the Major Changes/Minor Changes Framework</li> <li>Changes to programmes, date and content</li> <li>Confirmation of consultation with students for on-programme changes via the completed CMA Programme and Module Change Requests Form</li> <li>Relevant copies of the Handbook of Student Regulations</li> </ol> <p><u>Approved information regarding Wellbeing Services, Library and Careers</u></p>
C1.3	<p><u>London Campus and Pathway</u></p> <p>The Pro Vice Chancellor (London Campus) is responsible for ensuring the following information is available <u>for London Campus and Pathway</u> if required</p> <ol style="list-style-type: none"> <li><u>Documented process for managing CMA, including agents and sub-agents, and a clear process for record-keeping by the partner</u></li> </ol>
<u>C1.4</u>	<p><u>PVC International</u></p> <p><u>The PVC International is accountable for ensuring the following information is available for all TNE partnerships if required</u></p> <ol style="list-style-type: none"> <li><u>Documented process for managing CMA per partner, including agents and sub-agents, and a clear process for record-keeping by the partner</u></li> </ol>
<u>C1.5</u>	<p><u>Faculty PVCs</u></p> <p><u>Faculty PVCs are accountable for ensuring the following information is available if required</u></p> <ol style="list-style-type: none"> <li><u>Documented process for managing CMA per faculty partner, where the partner is promoting, recruiting to or teaching on a programme and a clear process for record-keeping by the partner</u></li> <li><u>Ensuring records are kept of student consultation for major programme changes</u></li> </ol>

	iii. <u>Ensuring records are kept of teach-out commitments made to students</u>
C1.6	<u>The Chief Financial Officer is accountable for ensuring the following information is available if required</u> i. <u>Approved information regarding Accommodation and Sport</u> ii. <u>Accommodation offer letters and tenancy agreements</u>

#### **Section D: Further help and guidance about the CMA Policy**

For general guidance on the application of this Policy, please contact:

Management of CMA Compliance, and Policy Review	Tracey Urwin, Executive Director, SLAS
Pre-contractual information	Gilly Gosling-Bell – Director, Student Recruitment, GM&B
Post-contractual information	Melanie Davis, Academic Registrar, SLAS
London Campus <u>and Pathway</u>	Guy Brown, Pro Vice Chancellor (London Campus)
Transnational Education	Tom Allardyce – Director of Global Partnerships, GM&B
Legal	Jay Wilson, General Counsel

#### **Related Policies and Regulations**

Other relevant policies linked with this Policy include:

- Complaints Policy
- Handbook of Student Regulations

#### **Version**

Version No.	Reviewer	Date	Changes
1.0	Board of Governors	June 2025	