



Higher Education Refund & Compensation Policy 2020/21

North Warwickshire and South Leicestershire
College

Deputy Principal

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1. Introduction and Rationale

- 1.1 It is a condition of registration with the Office for Students for providers to demonstrate that they have given due regard to Competition and Markets Authority (CMA) guidance when drafting policies and procedures that form the contract between the provider and students .
- 1.2 To meet the initial conditions of registration with the Office for Students the College has published a Student Protection Plan which sets out the potential risks to continuation of study.
- 1.3 This Policy sets out the refund and/or compensation that the College will consider paying to students in the unlikely event that continuation of study cannot be preserved as a result of one or more of the risks identified within the Student Protection Plan crystallising.
- 1.4 This Policy relates to students in receipt of tuition fee loans from the Student Loans Company, Students who pay their own tuition fees and students whose fees are paid by a sponsor.

2. Regulatory Considerations and Statutory Responsibilities

- 2.1 Competition and Markets Authority (CMA) Guidance.
- 2.2 Consumer Rights Act 2015 (CRA).
- 2.3 Higher Education and Research Act 2017 (HERA).
- 2.4 The QAA Quality Code.
- 2.5 Office for Students - Regulatory Framework.
- 2.6 NWSLC Student Protection Plan.
- 2.7 Office of the Independent Adjudicator (OIA).

3. Definitions

- 3.1 A **Refund** relates to the repayment of sums paid by a student to the College or an appropriate reduction in the amount of sums owed in future by the student to the College. This could include tuition fees and other course costs.
- 3.2 **Compensation** will relate to some other recognisable loss suffered by the student. This includes:
 - i. recompensing the student for wasted out-of-pocket expenses they have incurred, which are paid to someone other than the College (Such as travel costs incurred as a result of relocation)
 - ii. an amount to recompense for material disadvantage to the student arising from failure by the College to discharge its duties appropriately.
- 3.3 Compensation may take the form of a financial payment, a discount, or some other form of benefit.
(Universities UK (UUK) - Compensation and Refund Policies - Developing Good Practice)

4. Related Policies, Procedures and Documents

- 4.1 Student Protection Plan.
- 4.2 Tuition Price Policy.
- 4.3 Further Education and Higher Education Admissions Policy.

- 4.5 Recruitment Policy.
- 4.5 Comments, Compliments & Complaints Policy.
- 4.6 Risk Management Policy.
- 4.6 Assessment, Misconduct and Appeals Policy.
- 4.7 Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

5. Programme Closure - Applicants

- 5.1 If the College makes the decision to suspend or close a programme from our portfolio of qualifications, this decision will be made through our curriculum planning process, with the overall consent of the Deputy Principal. In normal circumstances this decision will be made ahead of applications and the programme will be withdrawn from our website and publications.
- 5.2 Where this is unavoidable, for example where the projected applications do not convert to enrolments or an unforeseen event happens which leaves the College with no option but to close a programme, applicants and their representatives shall be consulted at the earliest opportunity on the changes and they shall be furnished with all necessary information, advice and guidance by the College to help them find a suitable alternative at the College or an alternative provider.

6. Programme Closure - Enrolled Students

- 6.1 In the unlikely event that the College makes a strategic decision to close a programme on which students are enrolled the College will wherever possible 'teach out' allowing affected students to complete their studies before the closure occurs. Where the circumstances are exceptional and 'teach out' is not possible the College will:
 - i. Consult with all affected students at the earliest opportunity
 - ii. Offer advice and guidance to support students in transferring to a similar programme at the College or to transfer to an alternative provider
 - iii. Offer to pay reasonable travel costs to cover at least one visit to an alternative provider
 - iv. Provide an interim certification of achievement
 - v. Put in place a refund and compensation plan relevant to the circumstances. This will include where appropriate consideration of tuition fee refund and compensation for additional costs incurred by students as a result of the programme closure. Compensation may include maintenance costs, lost study time, additional tuition costs and travel costs as a result of relocation
 - vi. Commit to honour the remainder of student bursaries to those students who would have continued to receive the bursary had the programme not been terminated

7. Termination of Contract for Franchised and Validated Programmes

- 7.1 The College has agreements and processes in place with partner universities to mitigate the severity of the risk that the decision to terminate a partnership agreement would have on the continuation of study for students on franchised or validated programmes.
- 7.2 In the unlikely event that a partnership is dissolved we will be compliant with the partner universities exit strategy plans and procedures, for example programme intake suspension and closure procedures, and agree to work in cooperation with the partner institution to ensure all applicants and

students are advised of the ending of the partnership and to ensure that all affected students are consulted around the alternative options available including the transfer of students to the partner institution.

8. Changes to Course Structure

- 8.1 The College will endeavour to deliver programmes in accordance with the course description on our website and in our prospectus however in the event of unavoidable changes to the course content in-year, the College will ensure that changes are implemented through consultation with students and that changes are restricted to the minimum to maintain quality of delivery and experience.
- 8.2 In circumstances that fall under force majeure clause, the College will take all reasonable steps to protect the continuation of teaching, learning and assessment and to deliver contractual obligations.

9. Changes to Course Location

- 9.1 If the College makes the decision to move provision to a different location the College will:
 - i. Consult with all applicants and enrolled students at the earliest opportunity.
 - ii. Offer reasonable compensation to enrolled students who may incur additional travel expenses due to the relocation.

10. Complaints Relating to Sub-standard Service

- 10.1 The Consumer Rights Act 2015 introduced an additional statutory remedy of repeat performance and reduction of price. Should a student feel that they have received a substandard service, they may be entitled to ask for a repeat of the part of the course that did not meet the standard.
- 10.2 Students should use the complaints policy to lodge a formal complaint.
- 10.3 If a student complaint is upheld the College will:
 - i. Offer a repeat of the substandard part of the course.
 - ii. Offer additional sessions / support to help a student complete.
- 10.4 Where it is not possible to repeat the service to the required standard the College may offer partial or full refunds. Where students wish to apply for a refund due to exceptional circumstances they must write to the Chief Operating Officer.
- 10.5 Where a resolution is not agreed through the College's complaints policy, a student has the right to take their case to the Office of the Independent Adjudicator (OIA).

11. Equality Analysis

- 11.1 By virtue of the provisions of the Equality Act 2010, the College has a duty to have due regard to the need to:
 - i. eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
 - ii. advance equality of opportunity between people of different groups;
 - iii. foster good relations between people from different groups.

- 11.2 In implementing this Policy and associated procedures, the College will actively take these aims into account as part of its decision making process and will demonstrate how this has been undertaken.
- 11.3 Where necessary a full equality impact assessment will be undertaken.

12. Implementation, Monitoring and Review

- 12.1 This Policy should be read in conjunction with our Student Protection Plan.
- 12.2 The College will take a student-centred approach to resolving complaints.
- 12.3 The College will strive to ensure that students receive the education they are entitled to and will do everything within its powers to ensure that all students have the opportunity to complete their chosen programme of study.
- 12.4 The College considers refunds and compensation to be a remedy of last resort. Wherever possible complaints will be resolved through the College's complaints procedure and where necessary via the Office for Independent Adjudicator (OIA) in England and Wales.
- 12.5 The College may consider remedies that satisfy a student's complaint without the need for a refund or compensation. This may include an apology or good will gesture, or an offer of alternative learning methods if the course cannot be delivered in the way it was originally intended.
- 12.6 In the rare event that the College is not able to meet its obligations it will consider whether refund or compensation is appropriate for students.
- 12.7 This Policy does not cover instances where students consider withdrawing from or interrupting their studies for personal reasons.
- 12.8 This Policy is the responsibility of the Deputy Principal. It will be reviewed and updated annually to ensure that it continues to reflect the risks identified within the Student Protection Plan.