

**Policy Title**

**Higher Education Refund and compensation policy**

Author/Responsible Manager	Principal
Original Issue Date	May 2018
Approved By and Date	SLT July 2020
Next Review Date	July 2021
EIA Completion date	October 2019
Risk Assessment (please note here any identified risks of non-compliance with the policy)	Failure to protect students' rights under the Consumer Rights Act 2015 (CRA) Student dissatisfaction

Equality Impact Assessment				
Characteristic	No impact	Positive impact	Negative impact	Evidence
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ref to Student Services & Learner Services support
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pregnancy/Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Religion/belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marriage & civil partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Carried out by: Kelvin Nash				

**Actions required:**

Action	Date	Reviewed by	Date

## 1 Definitions

- 1.1 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 or other course costs.
- 1.2 Compensation will relate to some other recognisable loss suffered by the student. This normally falls into two categories, either: (a) recompensing the student for wasted out-of-pocket expenses they have incurred, which were paid to someone other than the College (such as travel costs) or (b) an amount to recompense for material disadvantage to the student arising from a failure by the College to discharge its duties appropriately
- 1.3 This policy refers to students for students in receipt of tuition fee loan from the Student Loans Company, students who pay their own tuition fees and students whose tuition fees are paid by a sponsor

## 2. Pre-enrolment: before the course begins

- 2.1 The College reserves the right to withdraw or alter courses prior to student enrolment. If the courses described on the College website cannot be provided, the College will take such steps as are available to it to minimise the effect of any alteration or withdrawal. Such steps may include alterations to the delivery of teaching or assessment, the offer of a place on an alternative course or the offer of transfer to another course at the College, at a Partner University or elsewhere, which a student may decline.
- 2.2 The College will ensure that prospective students are kept informed, for example about low applications that may make the course unlikely to run. Decisions to withdraw courses or make changes to courses may take place up to the 17<sup>th</sup> August and the College cannot be held responsible for costs e.g. childcare or accommodation, which may be accrued before that date. The College will make every effort to make decisions before that date, and will keep prospective students fully informed of possible changes or withdrawal.

## 3. After Enrolment/on programme

- 3.1 It may be necessary for the College to make changes, for example to programme content or course delivery. These changes could be due to legitimate staffing, financial, regulatory or academic reasons including (but not limited to) industrial action, lack of demand, departure of key personnel, change in government policy, the requirements of the Quality Code of the Quality Assurance Agency or a change of law. The College will endeavour at all times to keep such changes to a minimum and to keep students informed appropriately.

Students will be entitled to decline or accept the changes to the programme and withdraw but not to receive a refund for those parts of the programme that have been completed, whether or not any assessment has been passed

- 3.2 **Fees:** The College commits to keeping fees at the published level and maintaining these for the length of the student's programme.

#### **4. Where students have a complaint about their programme**

4.1 The Consumer Rights Act 2015 introduced an additional statutory remedy of repeat performance and reduction of price. Should a student feel they have received a substandard service they should use the College complaint policy to lodge a formal complaint. If a student complaint is upheld, the college will refer to this policy and agree a resolution that may include:

- Offering a repeat of the substandard part of the course
- Offering additional sessions/support to enable a student to complete a student studies
- Offering a refund of affected fees

Where a resolution is not agreed a student has the rights as outline in the Complaint policy to take a student complaint to additional stages. The Complaint policy also explains the student's right to take their case to the Office of the Independent Adjudicator (OIA).

#### **5. Ensuring a student can complete a student programme**

5.1 Kendal College has published a Student Protection Plan which sets out how continuation and quality of study will be preserved for current and potential students if there is a risk to continued study. The Student Protection Plan draws on the College's experience and is designed to assure current and future students that there are appropriate arrangements in place to protect continuation of study. It outlines the types of risks that might apply and explains the approach the College would take if these risks were to materialise.

The Student Protection Plan identifies the inability to continue study as an extremely unlikely risk and Kendal College commits, wherever possible, to continue to teach students to their full programme completion. The College however recognises that if it were no longer able to continue appropriate study opportunities for some students, the affected students should receive a refund of fees and appropriate compensation in accordance with this policy. In considering the effect on students the College will take into account;

- Any effect on final course award or accreditation
- The ability to take up a job offer
- Any further considerations relating to protected characteristics

5.2 The College considers refunds and compensation to be a remedy of last resort and is committed to using its best endeavours to ensure all students are able to continue and complete their studies. However, should the College no longer being able to offer continuation of study a student may be entitled to a price reduction, which can be up to the full amount of the price of the course.

- 5.3 Termination of programmes: although the College considers this to be highly unlikely, if all other attempts to continue a programme fail and there is no option but to terminate a programme during the year or at the end of an academic year the college will:
- 5.3.1 Ensure affected students receive the award (for example, certificate or diploma) that recognises the stage a student have reached
  - 5.3.2 Offer affected students guidance and support to help them to decide whether or not to transfer to a different programme at the College or seek transfer to a suitable alternative provider to complete the programme which is to be terminated
  - 5.3.3 Offer to pay reasonable travel costs to cover at least one visit per student to such an alternative provider
  - 5.3.4 Put in place a refund and compensation plan relevant to the circumstances of the particular termination that includes provision for a refund of tuition fees and compensation in respect of additional costs reasonably incurred by affected students as a result of the termination, such as travel and maintenance costs
  - 5.3.5 Ensure that if any students who have been in receipt of a bursary or similar funding and who would have continued to receive that bursary or funding had the programme not been terminated receive the remainder of that bursary or funding whether they transfer to a different programme at the College or to the same programme at an alternative provider.

## 6. **Suspended Study**

- 6.1 For students who choose to suspend study, the College cannot guarantee that they will be able to continue to complete their studies at Kendal College in cases where the programme has been terminated. In this case the College will provide guidance and support to try and find an alternative provider to allow students to complete their studies. The College will not be liable for additional costs this may incur.

## 7. **Refunds**

- 7.1 Partial or full refunds will be provided within 14 days from the agreement that a refund is due. Where a student has paid fees via the Student Loan company, the refund will be made via a change to the Student Loan company account. Any refunds made will include any interest charges on that amount that have been made by the Student Loan company. Where student's fees have been paid by a sponsor the refund will be made to the sponsor for the fee element. Where the student has paid for their own studies refund will be made to their bank account.

## 8. **Students with protected characteristics**

- 8.1 In line with the Equality Act (2010) the impact of changes to programmes on students with protected characteristics will be considered and taken into account when agreeing transition arrangements and possible compensation. For example, additional transport costs that might relate to a student's disability, ensuring the continuity of support for students entitled to DSA or the effects of moving to another institution on a learner with acute anxiety.

9. **Student who have completed their studies**

9.1 This Policy will not normally apply to individuals who have completed their studies for which they registered as a student with the College.

10. **Related documents and sources**

- Guidance published by either the Office for Students or the Office of the Independent Adjudicator for Higher Education will be taken into account in preparing any such plans.
- Competition and Markets Authority (CMA) Guidance
- Consumer Rights Act 2015 (CRA)
- Higher Education and Research Act 2017 (HERA)
- Kendal College Student Protection Plan
- Office of the Independent Adjudicator (OIA).