

Policy/Procedure/Guideline Review

Policy/Procedure/ Guideline:	Higher Education Refund and Compensation Policy
Senior Manager Responsible:	Vice Principal – Skills Academy and Apprenticeships
Author:	Director of Higher Education
Approved By:	Board of Corporation
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Changes Made:	New Policy

Higher Education Refund and Compensation Policy

1. Introduction

The College has published a Student Protection Plan that sets out how continuation and quality of study will be preserved for current and potential students if a risk to their continued study crystallises. The Student Protection Plan draws on the College's experience and is designed to assure current and future students that the College has 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.

In addition to the Student Protection Plan, the College is required to adopt a Refund and Compensation Policy setting out the circumstances in which the College will refund tuition fees and other relevant costs to students and provide compensation where necessary if the College is no longer able to preserve continuation of study for one or more students. The Student Protection Plan identifies this as an unlikely risk but the College recognises that if it were to occur, affected students should receive a refund of fees and appropriate compensation in accordance with this policy.

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 at the College. It is however important to explain how the College will refund or compensate students if the College is unable to preserve that continuity of study.

In this Policy a reference to the College no longer being able to preserve continuation of study means that the College has terminated or intends to terminate either:

1. a College programme of study on which an individual has been offered or accepted a place before that individual can register as a student; or
2. a College programme of study on which a student is registered before that student has completed that programme.

It does not include changes to or termination of programmes where all registered students who would normally have been expected to complete at the date of termination have done so.

The College recognises two sets of circumstances, planned mid-programme termination and unexpected programme termination.

2. Planned Mid-Programme Termination

A planned mid-programme termination occurs when the College can no longer preserve continuity but is able to plan and align the termination with the end of an academic year.

If such circumstances arise, the College will, when preparing its plan for dealing with the termination, consult the students registered on the programme and, as a minimum, will:

1. ensure all students on the programme receive any award to which they might be entitled for the studies they have completed;
2. offer those students advice and support to help them 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;
3. offer to provide transport for, or to pay reasonable travel costs to cover, at least one visit per student to such an alternative provider;
4. put in place a compensation plan relevant to the circumstances of the particular termination that includes provision for compensation in respect of additional costs reasonably incurred by students as a result of any relocation; and
5. ensure that any student who has been in receipt of a bursary or similar funding and who would have continued to receive that bursary or funding had the programme not terminated receives 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.

The College will also ensure that its plan for dealing with the termination includes appropriate provision for communicating with and compensating individuals who have been offered or who have accepted a place on the programme, to include as a minimum an offer of advice and support to help them decide whether or not to apply for a different programme at the College or seek a suitable alternative.

3. Unexpected Programme Termination

An unexpected programme termination occurs when:

1. a risk to continuation of study crystallises out of the blue and the College has no alternative but to terminate during the course of an academic year

or

2. the College has failed to recruit sufficiently to a programme and closes to new recruits to the detriment of individuals who have already been offered or accepted places on that programme.

If such circumstances arise, the College will treat communication and consultation with the students registered on the programme as a priority. As a minimum, the College will:

1. ensure all students on the programme receive any award to which they might be entitled for the studies they have completed;
2. offer those students advice and support to help them 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;
3. offer to provide transport for, or to pay reasonable travel costs to cover, at least one visit per student to such an alternative provider;

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 students as a result of the termination, any change of programme and any relocation; and
5. ensure that any student who has been in receipt of a bursary or similar funding and who would have continued to receive that bursary or funding had the programme not terminated receives 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.

The College will also ensure that it communicates with and compensates individuals who have been offered or who have accepted a place on the programme, to include as a minimum an offer of advice and support to help them decide whether or not to apply for a different programme at the College or seek a suitable alternative.

4. Students with Abnormal Expected End Dates

The College may allow students to vary their study plans, as a result of illness, etc., in such a way that they take a study break and no longer plan to complete at the normal end date of their programme.

The terms on which such breaks are approved specifically state that the College does not guarantee that programmes will remain open for students to return to and that such students accept this risk.

Consequently, for the purposes of this policy these students will be treated in the same way as applicants holding a firm offer of a place rather than as current students.

5. Compensation

The plans referred to above will include appropriate provision for:

1. maintenance costs;
2. lost time;
3. additional tuition costs;
4. travel costs as a result of relocation of provision.

Relevant 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.

The College will not compensate for hypothetical or speculative financial losses or for lost opportunities. Compensation will be limited to reasonable, evidenced direct losses and may be reduced if the student has failed to take reasonable steps to mitigate his/her losses.

6. Payments

Refunds will normally only be made to the bank and account holder (or other financial institution) that originally paid the tuition fee and will not be paid in cash.

This applies whether the student is in receipt of a tuition fee loan from the Student Loans Company, pays their own tuition fees or has their tuition fees paid by a sponsor.

The College reserves the right to deduct any debts owed to the College from any payments made.

7. General

This Refund and Compensation Policy is linked to the College's Student Protection Plan and forms an important part of the College's Higher Education Student Agreement. It will be reviewed from time to time with those documents.

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

8. Scope

This policy applies only to programmes of higher education falling within the remit of the Office for Students, only to cases where the College discontinues that programme and only to students registered on, or holding written offers to join, the discontinued programme.

9. Dissemination

- 9.1 This policy will be available via:
- Nelson and Colne College Extranet
 - Nelson and Colne College Moodle

10. Monitoring and Review

- 10.1 The policy will be reviewed annually by Nelson and Colne College's Vice Principal – Skills Academy and Apprenticeships.

11. Related Policies/Procedures

- 11.1 Documents related to this policy are:
- Student Protection Plan
 - Higher Education Student Agreement

12. Management Responsibility

- 12.1 The Vice Principal – Skills Academy and Apprenticeships has management responsibility for this policy within Nelson and Colne College. Day to day management responsibility for this policy has been devolved to the Director of Higher Education.