

REFUND AND COMPENSATION POLICY 2022-23

INTRODUCTION

The College of Health ("College") intends to deliver a first-class educational service to all our students. However, we recognise that things go wrong from time to time, whether that is a change in the life circumstances of one of our students or in our ability to always meet our service or delivery specifications. The latter may include lapses in the quality of delivery through to withdrawal of a module or programme. Such events should rarely if ever occur, but this policy aims to set out how they will be addressed and resolved if they do occur.

This Refund and Compensation Policy ("Policy") forms part of the College's [Student Protection Plan](#).

This Policy has been informed by:

- the Competition and Markets Authority's publication: Higher Education: consumer law advice for providers;
- the Quality Assurance Agency, UK Quality Code for Higher Education, Chapter C (2013-18);
- the Quality Assurance Agency, UK Quality Code for Higher Education, Advice and Guidance: Concerns Complaints and Appeals (Nov 2018);
- the OIA Best Practice Framework Handling Complaints and Appeals 2022 ; and
- the OfS Guidance on Student Protection Plans

This Policy enables students to apply for a refund or compensation from the College where their complaint is upheld or, more rarely, where there has been a material breach of contract. This Policy sets out the circumstances in which the College will refund tuition fees and other relevant costs incurred by students. It covers the unlikely situations, as set out in the Student Protection Plan, where the College would not be able to provide the continuation of study for one or more students, and may also cover disruption to a programme of study. In the event of such circumstances arising, this Policy sets out how affected students may claim a refund of fees and/or appropriate financial or other compensation.

In the first instance students should raise any issues they have with their support officer. If the matter is not resolved to their satisfaction the student should make a formal complaint in accordance with the procedure set out in the College Governance & Academic Regulations. The complaint should be submitted as close to the point at which the complaint arose as possible. Failure to do so may mean we are prevented from dealing with the complaint or providing a remedy as effectively as we otherwise would.

The complaint should be submitted through Student Services to the Academic Appeals and Complaints Panel. If a student is dissatisfied with the outcome of the appeal, he or she may appeal the decision of the Academic Appeals and Complaints Panel, on the grounds specified in the College Regulations, to the Director of Academic Affairs. The decision of the Director of Academic Affairs shall be final and shall mark the completion of the College's appeal and complaints procedures.

The College considers compensation and refunds to be remedies of last resort and it remains committed to supporting all students to continue and complete their programmes of study. The College is not liable for events outside of the College's control and for which it bears no responsibility, for example a prolonged power failure. The College will take all steps it can to

mitigate the impact on students, such as providing additional learning opportunities or repeating parts of a course.

In addition to the rights set out in this Policy, students also have additional statutory remedies under the Consumer Rights Act 2015, which informs this Policy. The College is regulated by the Office for Students.

DEFINITIONS

A refund means the repayment of sums paid by a student to the College, or an appropriate reduction in the amount owed in the future. The refund could include tuition fees, as well as other course costs, or accommodation costs.

Compensation means some other recognisable loss suffered by the student. This can fall into two categories: compensating 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 an amount to recompense for material disadvantage to the student arising from a failure by the College to discharge its duties appropriately.

Compensation may take the form of a remedy without a financial payment such as an apology or a goodwill gesture but could also take the form of a discount, a financial payment, or some other form of benefit.

ELIGIBILITY

This Policy covers all students currently enrolled at the College and any applicants who have accepted a place on a relevant programme. It covers those students who receive a tuition fee loan from the Student Loans Company or other relevant government loans, those who pay their own tuition fees, and those whose tuition fees are paid by a sponsor.

This Policy does not apply to individuals who have completed the studies for which they registered unless, in accordance with the College Regulations, they have submitted a complaint within three months of the end of their registered programme of study which is subsequently upheld.

UNDERGRADUATE AND POSTGRADUATE TAUGHT STUDENTS

In the unlikely event that the College is no longer able to provide continuation of study for taught programmes where students have already begun studying, students may make a claim for compensation where they are required to withdraw from the College. This would apply only in situations where the College is ceasing to deliver a programme before registered students of that programme have completed their studies, and both students and the College have failed to agree on a suitable alternative programme for students to transfer to, either at the College, or at another institution. If additional tuition fees or travel costs are incurred, students may apply for financial compensation to cover these.

The College will always endeavour to teach students to the end of their programme, including in situations where a decision has been taken to close a programme.

COMPENSATION PLAN

The College will ensure that plans for closing programmes include communicating with and compensating any applicants who have accepted places, but not yet started study. These include, as a minimum, providing advice and support on applying for a different programme at the College

or seeking a suitable alternative at a different institution. Enrolled students, and any applicants who have accepted a place on the relevant programme of study, should take reasonable steps to mitigate their situation, in line with advice provided by the College.

Should the College not be able to 'teach out' registered students on a programme which is being discontinued, students will be offered the opportunity to transfer to another programme at the College, and, should this not be possible, they will be supported to transfer to a suitable programme at another institution.

The College will put into place a compensation plan which is relevant to the circumstances of the individual student or students, including provision for additional costs reasonably incurred as a consequence of any transfer of programme or closure of programme.

Payments associated with a compensation plan will include consideration of provision for:

- tuition fee costs;
- maintenance costs and lost time following a closure of a programme;
- tuition and maintenance costs where students have to transfer to a different programme or institution;
- commitments to honour student bursaries;
- reasonably incurred accommodation costs;
- other related costs (e.g. sports club membership); and
- travel costs arising from a relocation of a programme.

PAYMENTS

Where a compensatory payment is made in respect of fees the payment shall be paid into the bank account from which the original fees were paid, whether this is the student's personal account, a sponsor, employer or the Student Loans Company.

All refunds will be paid within 30 days of the refund being approved by the College.

INDIVIDUAL CLAIMS PROCESS

Before seeking redress under this Policy, students/individuals affected should submit a complaint to the College in accordance with the College Regulations. Once that procedure is completed, and if the student remains dissatisfied with the outcome, this Policy may be used to seek redress. All claims should be submitted to investigationofficer@collegeofhealth.uk

Any claims submitted by students under this Policy should:

- confirm that the complaints procedure set out in the College Regulations has been exhausted;
- clarify the impact of the programme change; and
- and explain what steps the student has taken to mitigate this.

Upon receipt of a claim under this Policy the College will consider the detail of the claim against the factors listed under 'consideration of claims' below. The College shall provide a written response to the student within 15 working days of receipt of the student's claim.

GROUP CLAIMS

Where a large number of students have been affected by an issue, a separate process may be used by the College to ensure efficiency and consistency. This process will be similar to the operation of the complaints procedure under the College Regulations and the College will make the process clear

to students and ensure that it is fair and proportionate. Should a student wish to use the student complaints policy under the College Regulations as an individual, this will be permitted.

The College will consider the factors set out in paragraph **Consideration of Claims for Compensation or Refunds** below in assessing any group claim.

If students using the group process are satisfied with the outcome, this will be in full and final settlement of all claims arising out of the same matter. If a student's complaint is considered through the group process rather than the complaints procedure set out in the College Regulations and they are dissatisfied with the outcome, the student will be able to receive a Completion of Procedures letter to progress the complaint to the OIA.

CONSIDERATION OF CLAIMS FOR COMPENSATION OR REFUNDS

The factors which will be used in assessing individual and groups claims are whether:

- the College failed to provide specific undertakings given to the students in the way the programme was to be delivered;
- the College failed to deliver against material information agreed with students at the point when they accepted offers;
- a period of prolonged disruption, without sufficient mitigating action, has put in jeopardy the College's ability to offer teaching and learning which gives students a fair and reasonable opportunity to develop the appropriate levels of understanding for the programme;
- the College has followed its own procedures in delivering the programme (such as quality assurance and communications to students);
- there has been a demonstrable loss to the student and in particular if the student has been able to achieve the learning outcomes for their programme of study;
- the student has been affected in relation to the final degree award, accreditation award, or ability to take up a job offer;
- the student has met their own obligation to mitigate losses;
- the student took advantage of any reasonable adjustments put in place to mitigate against the loss and consideration of whether the student remained disadvantaged despite the alternative arrangements; and
- if a complaint is made due to disruption to a student's learning experience beyond the student's control, the College communicated clearly and consistently with the student throughout the process, making them aware of any changes and how they might affect them.

EXTERNAL REVIEW

If a student remains dissatisfied with the outcome of a claim for a refund or compensation under this Policy, s/he may be able to apply for a review of the claim by the [Office of the Independent Adjudicator for Higher Education](#) ("OIA"). This is an independent review scheme external to and independent of the College's complaint procedure. The OIA will normally only review issues which have been dealt with through to conclusion under the College Regulations.

CHANGES TO THIS POLICY

The College will review this Policy annually alongside the Student Protection Plan.