



Refund and Compensation Policy 2019/20

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Person Responsible	Deputy Principal Finance and Resources
Approval/ review bodies	Senior Leadership Team / Corporate Board
Frequency of Review*	12 months

** Policies will be reviewed more frequently if legal changes or good practice require*

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Related Policy:

Fees Policy 2019/20

1. Introduction

This policy sets out the arrangements for the refund of tuition fees that apply to students, or their employers, on further education (including apprenticeships), higher education or commercial (full-cost) programmes. This policy also outlines the circumstances when North Kent College (“the College”) may consider the payment of compensation to students or their employers.

This Policy is not intended, in the first instance, to be used to resolve academic disputes relating to learner success. It aims to provide a clear and simple framework, so that learners can understand when they may be entitled to compensation or a refund of tuition fees or another type of remedy and how to make a claim.

The College has a separate Fees Policy.

The funding and regulation of Higher Education in England changed in April 2018 when the Office for Students (“OFS”) became fully operational. The OFS will combine the existing regulatory functions of the Higher Education Funding Council for England (“HEFCE”) and the Office for Fair Access (“OFFA”). The OFS has a remit to create and oversee a regulatory environment in higher education, which puts the interests of students at the heart of the system, focusing on choice and competition. The OFS requires a Student Protection Plan, incorporating an assessment of the range of risks to the continuation of study for the College’s students. It also seeks to assess the risk mitigation measures and information about the policy in place to refund tuition fees and other relevant costs to the College’s students and to provide compensation, where necessary, in the event that the College is no longer able to preserve continuation of study.

2. Refunds

The College aims to deliver a high quality further and higher education provision, in line with the requirements of students, employers, awarding bodies and, for Higher Education programmes, including the validating partner universities.

The College will provide students with as much clarity as possible about the content of their further or higher education programme, location of their studies and timetable prior to the commencement of each academic year and will aim to minimise changes to programmes of study, which result in disruption to learners during the academic year.

This policy applies to all College students, irrespective of the funding arrangements for their further or higher education programme, including:

- 2.1 Students in receipt of a tuition fee loan from the Student Loans Company;
- 2.2 Students who pay their own tuition fees; and/or
- 2.3 Students whose tuition fees are paid by an employer or another sponsor.

Refunds will be made where it is necessary to close a class due to: insufficient numbers; or where the attendance of learners is made impossible or inappropriate by some action of the College. Should this action prove necessary, the refund will be processed as part of standard procedures, there should be no need to contact the College to request this.

In the event of a course closure, refunds will not be paid to those students who have:

- 2.4 voluntarily left the course; and/or
- 2.5 not attended for a period of four weeks prior to closure without previously agreeing a period of planned absence with their course tutor.

Refunds will not be made for any personalised kits or materials which are being retained by the student or any registration fees which have been paid to another party by the College on behalf of the student.

The College will pay requests for a refund made, in writing, within 14 days of enrolment, where a student or their sponsor changes their mind and they withdraw from their programme of study, with the exclusion of short courses of less than one month.

Requests should be made to the Finance Department at the Dartford Campus or by email to finance@northkent.ac.uk.

Fees will not be refunded where course closure is temporary or due to circumstances beyond our control, including but not exclusive to: fire; flood or other force majeure; adverse weather conditions; failure of public utilities or transport systems/networks; restrictions imposed by the government; terrorist attack or threat of; epidemic or pandemic disease; and/or temporary staff absences or changes including those due to industrial action.

For a refund request in response to an issue or problem with your college course the Complaints Procedures document found on the College website should be followed.

In each case, the student should explain in detail the issue/problem experienced and why they believe that they are entitled to a refund. The Complaints Procedures will

be followed and, if the issue/problem is substantiated, the student may receive a refund if this is deemed the appropriate resolution, subject to the authorisation of the Deputy Principal Curriculum. If the claim is not substantiated, the student can appeal in accordance with the College's Complaints Procedure.

Financial compensation/refund will not always be the appropriate response to a complaint and it is unlikely that most issues will be resolved in this way. Alternatives to financial compensation might include an apology or goodwill gesture; an offer of alternative learning methods if the course cannot be delivered in the way it was originally intended; or repeat delivery of the relevant course element may be offered where possible.

Refund requests of a personal nature should be addressed to Deputy Principal Finance and Resources, giving full explanation as to why the student believes a refund should be considered. Whilst it is unlikely that the College will be able to accommodate these after the 14 day enrolment period, a credit note may be issued in exceptional circumstances as a goodwill gesture. The credit note will be restricted to the named student/employer, it will have a time limit of twelve months for redemption and does not have a cash equivalent.

Where a refund or credit note is agreed, an administration fee may be charged. This does not apply to course closures.

If a refund is agreed through either course closure, within the 14 day enrolment period or as a result of an investigation through the Complaints Procedures, the following refund process will apply:

- 2.6 a refund can only be made where the College has already received a cleared payment
- 2.7 all refunds will be by cheque to the original payee concerned; and/or
- 2.8 where the original payment was received from the Student Loan Company, refunds will be made to the Student Loan Company. The Student Loan Company will reclaim fees as a result of the College completing a change of fee notification. The Student Loan Company will then be responsible for amending the student's repayments to reflect the reduced loan amount.

Overpayment refunds will be subject to a minimum ten working day clearance period.

This policy seeks to ensure that all prospective students and College staff involved with enrolment understand:

- 2.9 fees are set fairly, consistently and transparently across the College;
- 2.10 the different fee elements that make-up the College fees;
- 2.11 when and how fees are payable;
- 2.12 the College's policy is in line with regulations, imposed by external bodies and the College itself with regard to concessionary fees or where match funding should be adopted;
- 2.13 how any optional courses additional to a full-time programme of study (i.e. additionality) are handled with respect to fees;
- 2.14 the College's refund policy; and
- 2.15 what are the channels available to mitigate financial hardship and remove barriers to participation.

3. Transfers

The following rules apply to transfers where a student:

- 3.1 transfers from a course the College has closed to an alternative higher fee in-house course, the difference will be paid by the College;
- 3.2 transfers to a College course with a similar tuition fee, no charge will be made;
- 3.3 decides to transfer from another college course to a College course with a higher tuition fee the student will pay the difference between the course tuition fees.

4. Compensation (Higher Education Students only regulated via Office of Students)

In the event that it is not possible to preserve continuation of study necessitating a transfer to an alternative College course, the arrangements outlined in point 3.1 above will apply.

Where it is necessary, as a result of action by the College (such as course closure) for students to transfer to an alternative provider or there is a change in the location of the course (which was not notified to the student prior to the commencement of the academic year) the College will consider appropriate compensation for additional

travel or other costs directly attributable to the non-preservation of continuation of study.

The College's priority will always be to ensure that students receive the education experience, outlined in College's course information (whether on-line or in hard copy format) and their learning agreement. Where, as a result of an investigation through the Complaints Procedures, it is concluded that this has not been the case appropriate financial or other compensation may be offered.

The College is aware of OIA guidance on considering whether it is appropriate to recommend compensation payments to higher education students for distress and inconvenience and the following guidelines will apply in in such cases:

Indicative Compensation Bands Distress and Inconvenience Awards for Higher Education Students	
Level of distress and inconvenience	Indicative compensation
Moderate	Up to £200
Substantial	Between £201 and £500
Severe	Between £501 and £1,000

The above amounts are indicative only and any compensation payments will be determined by the specific circumstances applicable to the student. Any payments over £1,000 will only be considered in exceptional circumstances.

4.1 Moderate:

- 4.1.1 an act or omission of the College which has caused some distress and inconvenience in the short term (e.g. less than six months); or
- 4.1.2 moderate delays (i.e. less than six months) or other procedural irregularities on the part of the College where there is evidence to suggest the student suffered material disadvantage.

4.2 Substantial:

- 4.2.1 an act or omission of the College which has caused some distress and inconvenience in the long term (e.g. more than six months);
- 4.2.2 substantial mishandling of the complaint by the College which has resulted in or caused unreasonable or avoidable substantial delay (e.g.

over six months) where there is evidence to suggest the student suffered material disadvantage.

4.3 Severe:

- 4.3.1 cogent and contemporaneous evidence to suggest that as a result of the College's acts or omissions the student has suffered from ill health;
- 4.3.2 major maladministration, procedural flaws, delays or other breaches of natural justice in the college's internal process resulting in material disadvantage to the student;
- 4.3.3 where there has been a clear material disadvantage to a student as a result of the College's acts or omissions but a practical remedy is inappropriate or impossible.

5. Financial Implications of Refund and Compensation Policy

The College will incorporate provisions within its annual budget for the potential payment of tuition fee and other refunds and compensation payments to students. The College has sufficient cash reserves and (where appropriate) insurance policies designated for those students where an increased risk of non-continuation of study has been identified.