

## STUDENT COMPENSATION AND REFUND POLICY 2018-19



### GOVERNANCE AND CONTROL

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# STUDENT COMPENSATION AND REFUND POLICY

## PURPOSE

This policy is part of Waltham Forest College's Student Protection Plan and reflects our commitment to the student experience and to support our students to achieve their academic outcomes. The Student Protection Plan can found here.

## GENERAL INFORMATION

- This policy only applies to directly fully funded courses that Waltham Forest College delivers.
- The Compensation and Refund Policy enables students to claim compensation from the College following completion of the [complaints procedure](#), where the complaint is upheld or, more rarely, where there has been a material breach of contract. Compensation may take the form of a financial refund, price reduction or repeat provision of service.
- Students who submit a formal complaint through the Student Complaints procedure and who have that complaint upheld, may wish to apply to the College for a refund or compensation (including financial compensation) under this Compensation and Refund Policy. Under the Compensation and Refund Policy, students can apply for a full or partial refund of tuition fees and a full or partial refund of wider expenses incurred in the course of studying at the College.
- The College also has a Fee Policy that covers refunds. This policy does not replace the Fee Policy. Your statutory rights are not affected.

## CONTEXT

- This Refund and Compensation Policy sets out the circumstances in which the College will refund tuition fees and other relevant costs to students. The policy covers situations where the College is no longer able to preserve continuation of study for one or more students. The policy may also cover situations where there has been disruption to a course of study. The Student Protection Plan identifies such circumstances as being of low risk. However, should such circumstances arise, this policy sets out how affected students may, following completion of the complaints procedure, claim a refund of fees and/or appropriate financial or other compensation.
- Waltham Forest 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.
- The College is not liable for events outside of our control, as set out in the Terms and Conditions of Offer

## **EXPLANATION OF TERMS**

- In this policy a reference to a “refund” means 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 Waltham Forest College. This could include tuition fees, other course costs or accommodation costs.
- In this policy, “compensation” means an action taken in recompense for a demonstrable material failing on our part in the complete provision of an advertised programme of study. It may take the form of a remedy without a financial element such as an apology or a good will gesture but could also take the form of a discount, a financial payment, or some other form of benefit.
- Where in this policy compensation does equate to payment then this will be in respect of a demonstrable and evidential loss being suffered by a student.
- Students are advised that in addition to the rights set out in this Policy they also have additional statutory remedies under the Consumer Rights Act 2015. This policy is informed by the Consumer Rights Act 2015 (CRA) and the Higher Education and Research Act 2017 (HERA). The College is regulated by the Office for Students and conforms to the requirements set out in the Student Protection Plan.
- This policy will be reviewed on an annual basis

## **ELIGIBILITY**

- This policy covers students for which the College is directly funded. It covers: students in receipt of a 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. In all cases, tuition fees and other costs will only be refunded to the original fee payer/sponsor (whether Student Loans Company, individual student or sponsor of a student).
- This Policy will not apply to individuals who have completed the studies for which they registered as a student with the college unless, in accordance with the Student Complaints Procedure, they have taken forward a complaint within six months of the end of their registration period, that becomes upheld.

## **REFUNDS OR COMPENSATION IN THE EVENT OF CHANGE OR NON-CONTINUATION OF A PROGRAMME OF STUDY**

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

- An academic programme of study on which an individual has accepted a place before that individual can enrol as a student;
- An academic programme of study on which a student is enrolled before that student has completed that course;

In circumstances where the College is no longer able to preserve continuation of an academic programme of study, and students have already commenced study on that programme, students may make a claim for compensation where they are forced to withdraw from the College. This will only apply when the College is ceasing to deliver an

academic programme of study before registered students of that programme have completed their studies and where the student and the College have failed to agree on a suitable alternative programme on which to transfer, at another institution in the country. Should such a transfer result in additional costs relating to tuition fees or travel costs, students can also apply for financial compensation in respect of these additional costs.

- The College will always aim to teach students to the end of their programme even when a decision has been taken to close an academic programme and to cease admissions to it.
- Waltham Forest College considers refunds and compensation to be a remedy of last resort and is committed to ensuring as far as possible that all students are able to continue and complete their studies at the College.
- The College will also ensure that its plan for dealing with the cessation of an academic programme of study includes
  - appropriate provision for communicating with and compensating individuals who have accepted a place (but not yet commenced study) 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.

## **OPPORTUNITY TO TRANSFER PROGRAMME**

- In the unlikely event of the College not being able to ‘teach out’ students on a programme that is being discontinued, students will be offered the opportunity to transfer to another programme at the College. Where there is not a suitable alternative programme at the College, the College will support students to transfer to a suitable programme at another UK HE institution.

## **EXTERNAL REVIEW**

If a student remains dissatisfied with the outcome of a claim for compensation under this policy, the student 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 that have been dealt with through the College's internal procedures. The College's Student Services can advise on this.

## **COMPENSATION PLAN**

- Waltham Forest College will put in place a Compensation Plan relevant to the circumstances of the individual student or students that includes provision for compensation in respect of additional costs reasonably incurred by students as a result of any transfer of programme or cessation of programme of academic study.
- The College will also ensure that its plan for dealing with the programme cessation includes
  - appropriate provision for communicating with and compensating applicants who have accepted a place on the programme,
  - 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.

- Enrolled students, and any applicants who have accepted a place on the relevant programme of study, should also take such reasonable steps, in line with advice given by the College, to mitigate the situation.
- Any payments associated with a compensation plan will include appropriate provision for:
  - tuition fee costs (cover tuition fee loans from the Student Loans Company, self-funded tuition fees or payment of tuition fees from a sponsor);
  - maintenance costs;
  - lost time;
  - reasonably incurred accommodation costs;
  - travel costs as a result of relocation of provision;
  - other college-related costs
- 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

## **PAYMENTS**

- Refunds will only be made to the bank and account holder (or other financial institution) that originally paid the tuition fee or other costs 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.

## **INDIVIDUAL CLAIMS PROCESS**

Before seeking redress under the terms of this Refunds and Compensation Policy, students/individuals affected should submit a complaint to the College in accordance with the Complaints Policy.

- Upon completion of the procedure outlined in the College's Complaints Policy, a student may seek to use the provisions of this policy to seek financial redress if they remain dissatisfied with the outcome. Queries about the application of this policy should be addressed to [Colin.Johnson@waltham.ac.uk](mailto:Colin.Johnson@waltham.ac.uk) in the first instance.
- Claims submitted under the terms of this policy should:
  - make it clear that the complaints policy has been exhausted;
  - set out the impact of the programme change and what steps have been taken to mitigate this.
- Upon receipt of a claim under this policy the College will consider the detail of the claim against the factors set out below. A response will be provided within 15 working days.
- Factors the College will consider in assessing claims under this policy:
  - Whether the College had failed to deliver any specific undertakings that had been given to the students for the way in which the programme was delivered;
  - Whether there had been a failure by the College to deliver against material information agreed with the students at the point of acceptance of the offer;

- Whether a period of prolonged disruption, without sufficient remedial action, has jeopardised the ability of the College to offer guided learning in a manner that ensures students have a fair and reasonable opportunity to develop appropriate levels of understanding required for the course;
- Whether there has been a demonstrable loss to the student;
- Whether the student has been able to achieve the learning outcomes for their course;
- Whether the College followed its own processes in delivering the course;
- Whether the student has been affected in relation to final qualification award, accreditation award or ability to take up a job offer;
- Whether the student has met their own responsibility to minimise losses;
- Whether the student took up any reasonable adjustments that were implemented for students to mitigate against the loss and if so consideration of whether a student was still disadvantaged despite alternative arrangements;
- Whether a complaint is made due to disruption to a student's learning experience which is beyond the student's control, the College communicated with students adequately throughout the process.

## **GROUP CLAIMS PROCESS**

- Where a problem has potentially affected a large number of students, a separate streamlined process for dealing with groups of complaints efficiently and consistently may be used.
- This will be consistent with the existing complaints procedure and should this situation arise the College will make the process clear to students and ensure that this is fair and proportionate. In the event that a student would prefer to use the established complaints procedure individually, they will not be prevented from doing so.
- The College could decide that an issue arising from an individual complaint affects more than just that individual and apply this policy more widely.
- The College will consider the factors set out in paragraph 30 and 31 above in assessing any group claim.
- If a student's complaint is dealt with through this group process rather than the established complaints procedure and any student is dissatisfied with the outcome, the student will be offered the option of receiving a Completion of Procedures letter in order to progress a complaint to the OIA.
- If students use the group process and are satisfied with the proposed outcome, this will be in full and final settlement of all claims arising out of the same issue.