

# DEGREE STUDIES AT WEST SUFFOLK COLLEGE

## Refund and Compensation Policy

**Purpose** The purpose of this policy is to outline the circumstances when 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 another type of remedy and how to make a claim. The college has a separate Tuition Fee and Other Charges Policy.

**Scope** 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 and risk mitigation measures and information about the policies 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.

## Compensation

1. In the event that it is not possible to preserve continuation of study necessitating a transfer to an alternative HCFHE course, the following arrangements apply.
  - (i) Transfers from a course the college has closed to an alternative higher fee HCFHE course the difference will be paid by the college.
  - (ii) Transfers to a HCFHE course with a similar tuition fee, no charge will be made.
  - (iii) Decides to transfer from a HCFHE course to a HCFHE course with a higher tuition fee the student will pay the difference between the course tuition fees.
2. 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 modest compensation for students identified as being at increased risk of non-continuation of study.

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

4. The college is cognisant 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 £300
Substantial	Between £301 and £1,250
Severe	Between £1,251 and £3,000

The above amounts are indicative only and any compensation payments will be determined by the specific circumstances applicable to the student. Any payments over £3,000 will only be considered in exceptional circumstances.

Moderate:

- An act or omission of the college which has caused some distress and inconvenience in the short term (e.g. less than 6 months).
- Moderate delays (i.e. less than 6 months) or other procedural irregularities on the part of the college where there is evidence to suggest the student suffered material disadvantage.

Substantial:

- An act or omission of the college which has caused some distress and inconvenience in the long term (e.g. more than 6 months).
- Substantial mishandling of the complaint by the college which has resulted in or caused unreasonable or avoidable substantial delay (e.g. over 6 months) where there is evidence to suggest the student suffered material disadvantage.

Severe:

- Cogent and contemporaneous evidence to suggest that as a result of the college’s acts or omissions the student has suffered from ill health.

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- Major maladministration, procedural flaws, delays or other breaches of natural justice in the college's internal process resulting in material disadvantage to the student.
- 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.

### **Financial Implications of Refund and Compensation Policy**

5. The college will incorporate provisions within its annual budget for the potential payment of compensation payments to students. A combination of cash reserves and (where appropriate) insurance policies will be designated for those students where an increased risk of non-continuation of study has been identified.

6. Given the extent of national policy and strategic change for both the sector (including qualification review and reform, regulatory change, devolution of adult education budget funding to combined mayoral authorities, college insolvency regime and apprenticeships) and the college this policy is subject to a further review in August 2021.

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Equality Impact Assessment

EQUALITY IMPACT ASSESSMENT:	
<b>Lead Manager:</b> David Holmes	<b>Area:</b> Finance
<b>Policy/Service/Function to be Assessed:</b> Refund and Compensation Policy	
<b>New or Existing Policy/Service/Function?</b>	<input checked="" type="radio"/> <b>New</b> <span style="margin-left: 200px;"><input type="radio"/> <b>Existing</b></span>
<b>Which Stakeholders/Beneficiaries/Groups are intended to benefit from this policy/service/function?</b>	Students, funding bodies, employers, parents, curriculum areas, MIS
<b>1. Briefly describe the aims, objectives and purpose of this policy/service/function or area of work</b>	To set out the arrangements for refunds and compensation that apply to learners or their employers on further education (including apprenticeships) or higher education programmes.
<b>2. Are there any other policies, procedures, guidance documents, services, functions, etc. that will interact with this policy/service/function?</b>	Tuition Fee and Other Charges Policy
<b>3. Does the policy/service/function affect the employees including contract or agency workers?</b>	<input type="radio"/> Yes <span style="margin-left: 150px;"><input checked="" type="radio"/> No</span>
<b>4. Does the policy/service/function affect the learners?</b>	<input checked="" type="radio"/> Yes <span style="margin-left: 150px;"><input type="radio"/> No</span>
<b>5. Does the policy/service/function affect the public directly?</b>	<input type="radio"/> Yes <span style="margin-left: 150px;"><input checked="" type="radio"/> No</span>

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<p>6. Does the policy/service/function affect how other services are provided?</p>	<p><input checked="" type="radio"/> Yes <span style="margin-left: 200px;"><input type="radio"/> No</span></p>
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7. What impact is the policy/service/function likely to have on the following protected characteristics:

- (a) A **positive impact** is an impact that will improve equality of opportunity, have a positive impact on an equality group and/or improve relationships between members of different equality groups?
- (b) A **negative impact** is an impact that could disadvantage one or more equality groups and/or have less beneficial outcomes for one or more groups when compared with another?
- (c) A **neutral impact** is one where there is no disadvantage; experience will be the same for everyone?
- (d) A **legal requirement** is where a negative impact can be justified on the basis of a legal requirement?

Protected characteristic	Impact?	What data/evidence has informed the assessed impact and/or what initial action has been taken to deal with adverse or negative impact where practicable (further improvement measures can be added to the improvement plan at the end of this assessment where necessary)?
Age	Neutral	
Disability	Neutral	
Gender	Neutral	

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Gender reassignment	Neutral	
Marriage and civil partnership	Neutral	
Pregnancy and maternity	Neutral	
Race	Neutral	
Religion or belief	Neutral	
Sexual Orientation	Neutral	

**8. Consultation / Involvement:**

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<p>(a) Who was consulted when the policy/service/function was written, amended or changed?</p>	<p>Director of Finance and Corporate Affairs, Head of HE Strategy and Development, Quality Team, Finance Manager, Information Services Team, SLT, Corporation.</p>
<p>(b) What does available data and the results of any consultation show about the impact of this policy/service/function?</p>	<p>No available data.</p>
<p>9. Are there any <b>staff development</b> and/or <b>training issues</b> on equalities arising from this assessment (included these in your improvement plan)</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>10. How is the policy/service/function going to be <b>monitoring</b> in regards to how it affects the different equality groups?</p>	<p>N/A</p>
<p>11. How is the policy/service/function going to be <b>communicated</b>?</p>	<p>Staff Intranet and included in training materials as appropriate.</p>
<p>12. Are there any further improvements that are required in relation to this Equality Impact Assessment? (included these in your improvement plan)</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p><b>Signed (Completing Officer):</b> (Completing Officer will implement this area of work)</p>	

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<b>Print Name (Completing Officer):</b>	<input type="text"/>
<b>Date:</b>	<input type="text"/>
<b>Signed (Lead Manager):</b> (Lead Manager is responsible for the effective working of this policy/service/function)	<input type="text"/>
<b>Print Name (Completing Officer):</b>	<input type="text"/>
<b>Date:</b>	<input type="text"/>

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EQUALITY IMPACT ASSESSMENT IMPROVEMENT PLAN					
Ref No.	Improvement required	Timescale	Responsible	Date of completion	Signature
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

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