



# Higher Education Refunds and Compensation Policy 2019-20

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## Contents

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1. Policy Statement .....	2
2. Purpose of the Policy .....	2
3. Aims and Objectives of the Policy.....	3
4. Scope of the Policy.....	3
5. Refunds .....	3
6. Calculation of Tuition Fee Refunds .....	5
7. Compensation .....	5
8. Financial Implications of the Refund and Compensation Policy.....	5
9. Data Protection .....	6
10. Confidentiality.....	6
11. Other Relevant Documents.....	6

## 1. Policy Statement

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1.1 The College’s Strategic Plan emphasises that its mission is “*to provide outstanding education and training for individuals and employers*”. 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 students during their academic year.

1.2 Students are treated fairly in accordance with the College’s Equality and Diversity Policy. In the rare event of the College not being able to meet its obligations, it will be necessary to consider whether refund or compensation is appropriate for students, employers or sponsors.

## 2. Purpose of the Policy

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2.1 The purpose of this policy is to set out the arrangements for the refund of tuition fees that apply to students or their employers or sponsors on higher education programmes.

2.2 This policy also outlines the circumstances when the College may consider the payment of compensation to students or their employers or sponsors. This policy is not intended, in the first instance, to be used to resolve academic disputes relating to student success. It aims to provide a clear and simple framework, so that students 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.

2.3 The College has a separate Higher Education Tuition Fee Policy.

### 3. Aims and Objectives of the Policy

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- 3.1 The aim of this policy is to provide a clear and simple framework, so that higher education students can understand when they may be entitled to a refund of course fees, compensation or another type of remedy, and how to make a claim.
- 3.2 The College's Curriculum and Quality section is responsible for the development and maintenance of all aspects of the quality of the college's HE provision to ensure it meets the requirements of its validating partner universities; awarding bodies; the Office for Students (OFS); the Office for the Independent Adjudicator (OIA); the Quality Assurance Agency; and the Competition and Markets Authority (CMA).

### 4. Scope of the Policy

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- 4.1 This policy applies to higher education students or their employers/sponsors (where they have paid the fees) on higher education programmes at the College.
- 4.2 This policy applies to all higher education students including:
- Students in receipt of a tuition fee loan from the Student Loans Company;
  - Students who pay their own tuition fees;
  - Students whose tuition fees are paid by an employer or another sponsor.
- 4.3 This Policy will not normally apply to individuals who have completed the studies for which they registered as a student at the College.

### 5. Refunds

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- 5.1 Refunds will be made where it is necessary to close a class due to insufficient numbers or where the attendance of students 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, and there should be no need to contact the College to request that this is undertaken.
- 5.2 In the event of a course closure, refunds will not be paid to those students who have:
- Voluntarily left the course;
  - Not attended for a period of four weeks prior to closure without previously agreeing a period of planned absence with their course tutor.
- 5.3 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.
- 5.4 The College will honour 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. These requests should be made in writing to the Head of Finance or by email to [finance@southport.ac.uk](mailto:finance@southport.ac.uk). Fees will not be refunded where course closure is temporary or due to circumstances beyond the College's 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, temporary staff absences or changes including those due to industrial action.

- 5.5 For a refund request in response to an issue or problem with a course the Complaints, Comments and Compliments Policy and Procedure, found on the College website, should be followed. Initial contact should be made in writing to the Complaints Manager or via email to [learnervoice@southport.ac.uk](mailto:learnervoice@southport.ac.uk). In each case, the student should explain in detail the issue/problem experienced and why they believe that they are entitled to a refund. As stated in the Policy this must be done within 15 days of the issue/problem occurring to enable the College sufficient time to explore options for remedying the issue. The Complaints, Comments and Compliments Policy and Procedure 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 authorisation by a member of the College Executive Team. If the claim is not substantiated the student can appeal referring back to the Complaints, Comments and Compliments Policy and Procedure.
- 5.6 Financial compensation or refund is unlikely to 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.
- 5.7 Refund requests of a personal nature should be made in writing to the Assistant Principal Curriculum and Quality or by email to [guidance@southport.ac.uk](mailto:guidance@southport.ac.uk) giving a 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, has a time limit up to the end of the following academic year and does not have a cash equivalent.
- 5.8 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, Comments and Compliments Policy, the following refund process will apply:
- 5.8.1 Where the original payment was by credit/debit card, a refund will be made back to the same card unless the card has expired and the College is unable to contact the payer for a new expiry date, in which case the refund will be by cheque.
  - 5.8.2 Where the original payment was made directly into the bank or paid by cheque, a refund will be returned to the account from which the original payment was received.
  - 5.8.3 Where the original method was by cash, refunds will be made by cheque (the College adheres to money laundering regulations covering the handling of cash).
  - 5.8.4 For student loan payments the Student Loan Company (SLC) will reclaim fees as a result of the College completing a change of fee notification. The SLC will then be responsible for amending the student's loan account to reflect the reduced loan amount.
  - 5.8.5 Where agreed, partial or full refunds will be provided within 14 days from the agreement that a refund is due.

- 5.8.6 Overpayment refunds will be subject to a minimum ten working day clearance period.
- 5.8.7 Where a refund or credit note is agreed, an administration fee may be charged except in the case of course closure where this does not apply.

## 6. Calculation of Tuition Fee Refunds

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6.1 Up to fourteen calendar days before the commencement of the course the fee paid will be refunded in its entirety on written request. Such requests should be made in writing to the Director of Information Services and Technology or by email to [studentrecords@southport.ac.uk](mailto:studentrecords@southport.ac.uk). The following table indicates the refunds available to students after 14 days from enrolment:

<i>Liability Point</i>	<i>Amount Charged of Total Fee</i>	<i>Refund if Paid in Advance</i>
<i>Within 14 calendar days from course start date</i>	<i>0%</i>	<i>100%</i>
<i>After 14 calendar days from course start date</i>	<i>25%</i>	<i>75%</i>
<i>Day 1 of second term</i>	<i>50%</i>	<i>50%</i>
<i>Day 1 of third term</i>	<i>100%</i>	<i>0%</i>

## 7. Compensation

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- 7.1 In the highly unlikely event that it is not possible to preserve continuation of study necessitating a transfer to an alternative course, the arrangements outlined below will apply.
- 7.2 Where it is necessary as a result of action by the College for students to transfer to an alternative provider due to course closure (following commencement of the programme) 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.
- 7.3 The College's priority will always be to ensure that students receive the educational experience outlined in College course information (whether on-line or in hard copy format) and in their learning agreement. Where as a result of an investigation through the Comments, Compliments and Complaints Procedures (see 5.6) it is concluded that this has not been the case appropriate financial or other compensation may be offered. 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.

## 8. Financial Implications of the Refund and Compensation Policy

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- 8.1 The College will incorporate provisions within its annual budget for the potential payment of tuition fees, other refunds and compensation payments to students. Cash reserves will be designated for those students where an increased risk of non-continuation of study has been identified.

## 9. Data Protection

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9.1 The College will comply with the Data Protection Act 1998 and General Data Protection Regulation (GDPR) by ensuring that personal data collected in relation to this policy is:

- Collected and processed lawfully, fairly and transparently for only specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes in the public interest, research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, updated and relevant and not excessive for the purposes it was collected.
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures. Including not being transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed. Personal data may be stored for longer periods solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

## 10. Confidentiality

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10.1 The Data Protection Act and GDPR are not only restrictions on disclosure of information about the College, they are bound by a common law duty of confidentiality. This duty prevents the College from releasing information about students, without their consent. This duty applies to manual records as well as information held on computers.

10.2 Information which must be treated as confidential includes the names and addresses of students and any other information about them which is not publicly known, i.e. “personal data”. Accordingly, to ensure that the College does not breach its duty, no information, even if it only exists in printed form, should be disclosed unless all the relevant procedures have been followed.

## 11. Other Relevant Documents

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11.1 This policy and related procedures are driven by the following legislation and guidance:

- Consumer Rights Act 2015 (CRA)
- Competition and Markets Authority (CMA) Guidance
- Higher Education and Research Act 2017 (HERA)
- Office for Students (OfS) Regulatory Framework
- Office for the Internal Adjudicator
- The UK Quality Code for Higher Education

11.2 The following College documents provide links to this policy:

- [Complaints, Comments and Compliments Policy and Procedure](#)
- [Higher Education Tuition Fee Policy](#)
- [Higher Education Admissions Policy](#)
- [Equality and Diversity Policy](#)
- [Maintaining Student Responsibility \(Academic Procedures\)](#)
- [Student Protection Plan \(HE\)](#)