

# Kirklees College

## Higher Education Refund and Compensation Policy

<b>Document:</b> Higher Education Refund and Compensation Policy (Non-Continuation of Study)	
<b>Version:</b> 1	<b>Author:</b> Kim Harrison. Quality Lead Higher education
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1. As a registered provider of higher education, Kirklees College has published a Student Protection Plan which sets out how continuation and quality of study will be preserved for current and potential students if a risk to their continued study occurs. The Student Protection Plan draws on the College's experience and is designed to assure current and future students that the College has appropriate arrangements in place to protect continuation of study. It outlines the types of risks that might apply and explains the approach the College would take if these risks were to materialise.
2. In addition to the Student Protection Plan, the College is required to adopt a Refund and Compensation Policy setting out the circumstances in which the College will refund tuition fees and other relevant costs to students and provide compensation, where necessary, if the College is no longer able to preserve continuation of study for one or more students. The Student Protection Plan identifies this as an unlikely risk but the College recognises that if it were to occur, affected students should receive a refund of fees and appropriate compensation in accordance with this policy.
3. Factors the College will consider in assessing claims under this policy:
  - (i) 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;
  - (ii) 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;
  - (iii) 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;
  - (iv) Whether there has been a demonstrable loss to the student;
  - (v) Whether the student has been able to achieve the learning outcomes for their course;
  - (vi) Whether the College followed its own processes in delivering the course;
  - (vii) Whether the student has been affected in relation to final higher education accreditation award or ability to take up a job offer;
  - (viii) Whether the student has met their own responsibility to minimise losses;
  - (ix) 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;
  - (x) Whether if 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.
4. In this Policy a reference to the College no longer being able to preserve continuation of study means that the College has terminated or intends to terminate either:
  - i. a College programme of study on which an individual has been offered or accepted a place before that individual can register as a student or
  - ii. a College programme of study on which a student is registered before that student has completed that programme. It does not include changes to or termination of programmes where all registered students who would normally have been expected to complete at the date of termination have done so.
5. The College recognises two sets of circumstances, planned mid-programme termination and unexpected programme termination.
6. **Planned Mid-Programme Termination** - A planned mid-programme termination occurs when the College can no longer preserve continuity but is able to plan and align the termination with the end of an academic year.
7. If such circumstances arise, the College will, when preparing its plan for dealing with the termination, consult the students registered on the programme and, as a minimum, will:

- i. ensure all students on the programme receive the College award (for example, certificate or diploma) that recognises the stage they have reached;
  - ii. offer those students advice and support to help them decide whether or not to transfer to a different programme at the College or seek transfer to a suitable alternative provider to complete the programme which is to be terminated;
  - iii. offer to pay reasonable travel costs to cover at least one visit per student to such an alternative provider;
  - iv. put in place a compensation plan relevant to the circumstances of the particular termination that includes provision for compensation in respect of additional costs reasonably incurred by students as a result of any relocation.
8. The College will also ensure that its plan for dealing with the termination includes appropriate provision for communicating with and compensating individuals who have been offered or who have accepted a place 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.
9. **Unexpected Programme Termination** - An unexpected programme termination occurs when
- i. a risk to continuation of study arises unexpectedly and the College has no alternative but to terminate during the course of an academic year or
  - ii. the College has failed to recruit sufficiently to a programme and closes to new recruits to the detriment of individuals who have already been offered or accepted places on that programme.
10. If such circumstances arise, the College will treat communication and consultation with the students registered on the programme as a priority. As a minimum, the College will:
- i. ensure all students on the programme receive the College award (for example, certificate or diploma) that recognises the stage they have reached;
  - ii. offer those students advice and support to help them decide whether or not to transfer to a different programme at the College or seek transfer to a suitable alternative provider to complete the programme which is to be terminated;
  - iii. offer to pay reasonable travel costs to cover at least one visit per student to such an alternative provider;
  - iv. put in place a refund and compensation plan relevant to the circumstances of the particular termination that includes provision for a refund of tuition fees and compensation in respect of additional costs reasonably incurred by students as a result of the termination, any change of programme and any relocation; and
11. The College will also ensure that it communicates with and compensates individuals who have been offered or who have accepted a place 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.
- Compensation
12. The compensation plan referred to in paragraph 7 and the refund and compensation plan referred to in paragraph 10 will include appropriate provision for:
- i. maintenance costs;
  - ii. lost time;
  - iii. additional tuition costs;
  - iv. travel costs as a result of relocation of provision.

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

13. Refunds will normally only be made to the bank and account holder (or other financial institution) that originally paid the tuition fee 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. General
14. This Refund and Compensation Policy is linked to the College's Student Protection Plan and forms an important part of the College's Student Contract Terms and Conditions. It will be reviewed from time to time with those documents.
15. This Policy will not normally apply to individuals who have completed the studies for which they registered as a student with the College.
16. Queries about the application of this policy should be addressed to [Quality@Kirkleescollege.ac.uk](mailto:Quality@Kirkleescollege.ac.uk) in the first instance.

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