

Kirklees College

## Higher Education Refund and Compensation Policy 2022/ 23

Approved:

Approved by:

Responsible manager (s) Assistant Principal for Adults and Higher  
Education

Executive Lead: Vice Principal for Curriculum, Performance and  
Innovation

Applicable to staff: Yes

Applicable to students: Yes

Accessible to students: Yes

Accessible to general public: Yes

Policy review frequency: annually

## Contents

1. Scope and purpose of policy .....	3
2. Policy statement .....	3
2.1 Compensation .....	4
2.3 Applying for Compensation.....	5
3. Review .....	6

## Refund and Compensation Policy (Non – Continuation of Study)

### 1. Scope and purpose of policy

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 crystallises.

This policy aligns to the Student Protection Plan which identifies mitigations for non – continuation of, or disruptions of study, for Higher Education and Higher Level Skills students. It outlines the types of risks that might apply and explains the approach the College would take if these risks were to materialise.

This policy only applies to those Higher Education and Higher Level Skills students who are up to date with the payment of their tuition fees.

### 2. Policy statement

Kirklees College is committed to being fair, open and consistent in the application of this policy. The College considers refunds and compensation to be a remedy of last resort and is committed to using its best efforts in its obligation to ensure all students are able to continue and complete their studies at the College. It is however important to explain that the College will refund or compensate students if the college is unable to preserve that continuity of study.

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.

Kirklees College recognises its:

Statutory responsibilities:

- Consumer Rights Act 2015 (CRA)
- Higher Education and Research Act 2017 (HERA)
- Registration with the Office for Students

Sector – wide responsibilities

- Office of the Independent Adjudicator of Higher Education and/or
- QAA guidance

Institutional responsibilities

- Ensuring consistency with institutional regulations

## 2.1 Compensation

Compensation will be provided with recognisable loss is suffered by the student as a result of Kirklees college not meeting its obligations to the student, such as non – continuation of study.

Should a disruption to or non – continuation of study be unavoidable Kirklees College will seek to provide compensation in kind by offering a suitable alternative provision. Where this is not possible Kirklees College will, where appropriate to the individual circumstances:

- 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. put in place, in consultation with Heads of Faculty, 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.
- iv. Any student who has been in receipt of a bursary or similar funding and who would have continued to receive that bursary or funding had the programme not terminated receives the remainder of that bursary or funding whether they transfer to a different programme at the College or to the same programme at an alternative provider.

## 2.2 Definitions of circumstances which could result in compensation being awarded.

### 2.2.1 Non – continuation of study

A non – continuation of study occurs when Kirklees College is no longer able to preserve continuation of study because Kirklees College has terminated or intends to terminate either:

- (i) A programme of study on which an individual has been offered ~~of~~ or accepted a place before that individual can register as a student or
- (ii) The programme of study on which a student is registered before the 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.

The College recognises two sets of circumstances, planned mid – programme termination and unexpected programme termination.

### 2.2.2 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.

### 2.2.3 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.

### 2.2.3 Disruption of study

A planned mid programme termination occurs when Kirklees College can no longer preserve continuity but is able to plan and align the termination with the end of an academic year.

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. put in place, in consultation with Heads of Faculty, 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.
- iv. Any student who has been in receipt of a bursary or similar funding and who would have continued to receive that bursary or funding had the programme not terminated receives the remainder of that bursary or funding whether they transfer to a different programme at the College or to the same programme at an alternative provider.

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.

## 2.3 Applying for Compensation

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.

~~The compensation plan referred to in paragraph 7 and the refund and compensation plan referred to in paragraph 10-~~ This 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.

The College will in all cases consider relevant guidance published by the Office for Students, the Office of the Independent Adjudicator for Higher Education.

## Payments

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.

## 3. Review

This Refund and Compensation Policy is linked to the College's Student Protection Plan and is part of the College's Student Contract Terms and Conditions. It will be reviewed from time to time with those documents.

This Policy will not normally apply to individuals who have completed the studies for which they registered as a student with the College.

Queries about the application of this policy should be addressed to [Quality@Kirkleescollege.ac.uk](mailto:Quality@Kirkleescollege.ac.uk) in the first instance.

January 2020