

# Higher Education Refunds and Compensation Policy and Procedure

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<b>Responsible post holder</b>	<b>College Principal &amp; Chief Learning Officer</b>
<b>Approved by / on</b>	<b>Director of Higher Education / Feb 2022</b>
<b>Next Review</b>	<b>Sep 2025</b>
<b>Relationship to Strategic Goal</b>	<b>To establish a University Centre structure that empowers accountability and fosters a culture that supports a career pathway approach throughout the college</b>
<b>Publication Method</b>	<b>SharePoint and Website</b>

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## 1. Introduction

1.1 At London South East Colleges, we aim to provide an efficient and responsive service to our students and to the wider community we serve. This policy explains the procedures for making an offer of compensation to the student in higher education.

## 2. Scope

- 2.1 The Higher Education Refunds and Policy is part of the College's Student Protection Plan, which the College is required to publish as a registered provider of higher education. The Student Protection Plan sets out possible risks to continuation of study and the College's position on refunds and compensation if those risks materialise. This policy sets out in detail the College's position regarding refunds and/or compensation in those circumstances. This Student Compensation and Refund Policy covers situations where the College is no longer able to preserve continuation of study for one or more students
- 2.2 The College is committed to supporting our students to achieve their academic potential and to equip our students with the knowledge, opportunities and skills required for a successful career. The College is also committed to ensuring that, as far as possible, all students are able to continue and complete their studies at the College and to 'teach out' students on a programme that is being discontinued working closely with our university partners.
- 2.3 The College therefore considers refunds and compensation to be a remedy of last resort and is committed to ensuring all students are able to continue with and complete their studies at the College. It is important however to explain how the College will refund and/or compensate students if the risks of non-continuation outlined above materialise. In many circumstances, a nonfinancial remedy may be the most appropriate outcome, and the College will take all reasonable steps to explore such remedies.
- 2.4 The College's Tuition Fee Refund Policy operates separately from this policy. The Tuition Fee Refund Policy details when a student is entitled to a refund of tuition fees following interruption or withdrawal, where an overpayment has been made or where an adjustment to a student's tuition fee leaves a credit on the student account and does not apply to circumstances of non-continuation as set out in this policy. Please see [Policies | London South East Colleges \(lsec.ac.uk\)](#)
- 2.5 A separate complaints mechanism operations for higher education students; this [London South East Colleges Complaints Procedure](#) describes what a student needs to do if they wish to complain about an aspect of the delivery of their programme, which they believe has affected their ability to engage effectively with their studies. A complaint is an expression of dissatisfaction by one or more students about the College's action, inaction or standards of service, on or off the campus, which the student(s) have not been able to resolve through informal processes.

2.6 In the event of the College being unable to preserve continuation of study, those affected may include:

- Individuals who have accepted a place on a programme of study which the College terminates before those individuals have enrolled; and
- Students that have already enrolled on a programme of study which the College terminates before those students can complete their course

2.7 The College will assist existing enrolled students in seeking an appropriate alternative course at another provider where in the academic and professional judgement of the College there is no suitable alternative course at the College.

2.8 In the event of the College being unable to preserve continuation of study, the Student Compensation and Refund Policy applies to all students who are affected.

This includes:

- Full Time/Part Time/Distance Learning Students
- Undergraduate Taught and Non-Taught Students and those studying for Higher Degrees
- Home/EU/International Students
- Self-Funded or Sponsored Students and those in receipt of a tuition fee loan from Student Finance England (SFE).

2.9 This policy will not apply to individuals who have completed the studies for which they registered.

### **3. Refund and Compensation Plan**

3.1 The Group Executive Director Academic Performance, Standards and Customer Experience will be responsible for identifying students who may be affected by the closure of a course.

3.2 The Group Executive Director APSCE will:

- Liaise with the Director of Higher Education on any course discontinuation
- Inform the Principal and CEO and the Executive team of the discontinuation
- Set up a communication and consultation plan to inform any affected students individually, setting out the reasons for changes and explaining how they will affect individuals.
- Arrange a meeting between relevant staff (likely to be the Career Pathway Managers and Programme Leaders) and students to explain the change and consult with the students.
- Consider, with colleagues, an individual compensation plan relevant to each individual affected.

- Contact all affected students detailing the outcome of the compensation plan within 5 weeks of the initial contact with students.

3.3 The College will put in place a compensation plan relevant to the circumstances of the individual student or students as set out in this policy and once the amounts to be paid have been finally confirmed the Group Executive APSEA will refer the matter to the Fees Team to make the relevant refund and compensation payments.

### 3.4 Making an offer of compensation

3.4.1 For the compensation plan, an Investigating Officer will be appointed to do a risk assessment and make a reasonable offer of compensation, which must first be escalated to the Principal and CEO for approval.

3.4.2 Compensation will be offered in the following circumstances:

- The student has had a negative experience due to a failure by the College;
- The student has potentially lost out on significant earnings or a rise in salary due to a failure by the College and individual has made every effort to reduce the impact and can provide evidence for this.
- The student has suffered significant distress, which is a direct cause of a failure by the College.

3.4.3 For any offer of compensation, evidence must be collated by the Investigating Officer which supports the case for an offer to be made. This must be submitted to the Principal and CEO for consideration when making a decision as to whether the offer is approved.

3.4.4 In making a final assessment of any refund or compensation payment, consideration will be given to:

- Whether the College failed to deliver on specific material undertakings given to students in the way the programme would be delivered.
- Whether sufficient action was taken by the College to ensure students had a fair and reasonable opportunity to complete the course.
- Whether there has been a demonstrable loss to the student.
- Whether the student achieved the learning outcomes for their course.
- Whether the students have met their own responsibility to minimise losses.
- Whether the College followed its own processes in delivering the course.
- Consideration of alternative arrangements/adjustments that were implemented for students to minimise loss and whether students took advantage of them.
- Whether the College communicated with students effectively throughout the process.
- Whether a refund or compensation payment is the most appropriate way to deal with the issue.

- 3.5 Any communication with the students regarding compensation must first be approved by the Principal and CEO or a nominated senior manager.
- 3.6 An offer of compensation must be drafted along with the formal response, which should be laid out as a formal letter.
- 3.7 Refunds, in all cases, will be paid back to the original payee and, wherever possible, to the original bank account. This applies to refunds where the student is in receipt of a tuition fee loan from Student Finance England, where the student pays their own tuition fees or where tuition fees are paid by a sponsor.
- 3.8 Refunds and/or compensation will be paid where reasonably possible within 14 days of the College's decision that payment is warranted in the circumstances.
- 3.9 If a payment is agreed and made, this will be considered a full and final settlement of all claims arising out of the same issue.

## **5 Legal Review**

- 5.1 If a student is not satisfied with the College's refund and, where relevant, compensation plan relating to that student, they should use the College's Complaints Policy [London South East Colleges Complaints Procedure](#)
- 5.2 If the complaint is particularly serious or complex, it is at the discretion of the Principal and CEO, as to whether the formal response and compensation offer should be reviewed by the College Lawyers. 'Particularly serious or complex' is to be determined on a case by case basis by the Principal and CEO or a nominated senior manager.

## **6 Reporting**

- 6.1 A termly update on compensation offers will be included in the termly complaints report sent to HE Academic Planning and Student Experience Committee
- 6.2 An annual compensation update will be sent to the Corporation for review.