

Refund and Compensation Policy

1. Purpose of Policy and National Context

- 1.1 The purpose of this policy is to set out the arrangements for the refund of tuition fees that apply to learners or their employers on further education (including apprenticeships), higher education or commercial (full-cost) programmes. This policy also outlines 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 a refund of tuition fees or another type of remedy and how to make a claim. Learners and students are interchangeable terms within this policy as the former tends to apply in the further education sector and the latter in higher education.
- 1.2 The college has a separate Tuition Fee and Other Charges Policy and Statement.
- 1.3 The funding and regulation of higher education in England is led by the Office for Students (OfS). 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 policy 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.

2. College Strategic Context

- 2.1 The college's Higher Education (HE) Strategy is being reviewed to align with the College 2025 vision. The college has a wide range of progression pathways from levels 2 and 3 and offers over 50 full-time and part-time degrees in partnership with the University of Plymouth, Higher and Degree Apprenticeships, and BA/BSc Honors programmes and other higher level professional qualifications.

Policy Name: Refund and Compensation Policy	Policy No: P128002
Approved Date: 22 February 2022	Review Date: February 2023
Approved by: Executive Team	EqIA Completed: Yes
Author: Vice Principal Finance and Resources	Monitoring & Evaluation: Executive Team

- 2.2 The Higher Education Quality team comprises the Head of Quality Improvement and Assurance, Head of Quality Improvement and Assurance – HE and the Interim Principal Performance and Development. The Quality team are responsible for the development and assurance of all aspects of the quality of HE strategy and provision to ensure it meets the requirements of its validating partners' universities; awarding bodies; the higher education regulator, the Office for Students (OfS); the Office for the Independent Adjudicator (OIA); the Quality Assurance Agency (QAA); and the Competition and Markets Authority (CMA). The Governing Body has two governors who serve as Link governors to all education types.
- 2.3 Following the introduction of the national apprenticeship Levy system in May 2017, an increasing proportion of the college's income comes from apprenticeships. This has led to a shift to direct contractual relationships for the delivery of apprenticeship standards for learners employed by larger (Levy paying) employers.

3. Refunds

- 3.1 The college aims to deliver a high quality further and higher education provision, in line with the requirements of learners, employers, awarding bodies and, for HE programmes, the validating partner universities.
- 3.2 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 learners during the academic year.
- 3.3 This policy applies to all college students, irrespective of the funding arrangements for their further or higher education programme with the exception of those learners funded via Apprenticeship Funding (please refer to section 3.8 for Apprentices), including students:
- in receipt of a tuition fee loan from the Student Loans Company
 - who pay their own tuition fees
 - whose tuition fees are paid by an employer or another sponsor
- 3.4 Refunds will be made where it is necessary to close a class due to insufficient numbers or where the attendance of learners 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, there should be no need to contact the college to request this.

In the event of a course closure, refunds will not be paid to those learners who have:

Policy Name: Refund and Compensation Policy	Policy No: P128002
Approved Date: 22 February 2022	Review Date: February 2023
Approved by: Executive Team	EqIA Completed: Yes
Author: Vice Principal Finance and Resources	Monitoring & Evaluation: Executive Team

- (i) Voluntarily left the course.
- (ii) Not attended for a period of four weeks prior to closure without previously agreeing a period of planned absence with their course tutor.

Refunds will not be made for any personalized kits or materials which are being retained by the learner or any registration fees which have been paid to another party by the college on behalf of the learner.

The college will process refunds, where a student or their sponsor changes their mind and they withdraw from their programme of study within 14 days of the start of the course, with the exclusion of short courses of less than one month. These requests should be made to the Finance Team at the North Devon Campus or by email to financeoffice@petroc.ac.uk. Fees will not be refunded where course closure is temporary or due to circumstances beyond our 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.

- 3.5 For a Higher Education refund request in response to an issue or problem with your college course the Complaints and Compliments Policy and Procedures document found at <https://www.petroc.ac.uk/about-the-college/statutory-documentation/higher-education-public-information> on the college website should be followed.

For a Further Education refund request in response to an issue or problem with your college course the documents can be found at <https://www.petroc.ac.uk/about-the-college/statutory-documentation/petroc-policies-procedures-statutory-reporting>

In each case, the learner should explain in detail the issue/problem experienced and why the learner believes that they are entitled to a refund. The Complaints and Compliments Policy and Procedures will be followed and if the issue/problem is substantiated the learner may receive a refund if this is deemed the appropriate resolution, subject to the authorisation of the Vice Principal, Finance and Resources (or his/her nominee). If the claim is not substantiated the learner can appeal referring back to the Complaints and Compliments policy and procedures.

Financial compensation/refund will not always 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

Policy Name: Refund and Compensation Policy	Policy No: P128002
Approved Date: 22 February 2022	Review Date: February 2023
Approved by: Executive Team	EqlA Completed: Yes
Author: Vice Principal Finance and Resources	Monitoring & Evaluation: Executive Team

delivered in the way it was originally intended or repeat delivery of the relevant course element may be offered where possible.

Refund requests of a personal nature should be addressed to The Head of Finance at the North Devon Campus or emailed to salesledger@petroc.ac.uk giving full explanation as to why the learner believes a refund should be considered. It is unlikely that the college will be able to accommodate these after the 14 day enrolment period.

3.6 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 and Compliments Policy and Procedures, the following refund process will apply where:

- the original payment method was by cheque, refunds will be by cheque
- the original method was by cash, refunds will be made by cheque (the college does not hold large cash sums and adheres to the money laundering regulations covering the handling of cash)
- the original payment was by credit/debit card, a refund will be made back to the same credit/debit card, unless the card has expired and we are unable to contact the payer for a new expiry date, in which case the refund will be by cheque
- the original payment was made directly into the bank, a refund will be returned to the account from which the original payment was received
Refunds will be paid by BACS
- the original payment was received from the Student Loan Company, refunds will be made to the Student Loan Company. The Student Loan Company will reclaim fees as a result of the college completing a change of fee notification. The Student Loan Company will then be responsible for amending the student's repayments to reflect the reduced loan amount
- fees were invoiced to and payment received from an Employer/Sponsor/Employers Apprenticeship Service Account, refunds will be returned to the Employer/Sponsor by BACS

3.7 Overpayment refunds will be subject to a minimum ten working day clearance period.

3.8 The Funding Rules for apprenticeships explicitly outline that apprentices must not be asked to financially contribute towards the cost of their training or assessment & therefore, any fees due are in the form of Employer Co-investment where not fully government funded or via the Levy funds. Refunds will only be due to the Employer where co-investment has been paid by the Employer and where the apprentice is withdrawing from their apprenticeship. In these circumstances the refund will be proportionate to the duration of the apprenticeship completed at the point of the withdrawal.

For clarity no refunds will be due or paid to the employer where the

Policy Name: Refund and Compensation Policy	Policy No: P128002
Approved Date: 22 February 2022	Review Date: February 2023
Approved by: Executive Team	EqlA Completed: Yes
Author: Vice Principal Finance and Resources	Monitoring & Evaluation: Executive Team

apprenticeship has been fully funded by government funds or in full from the Apprenticeship Levy.

4. Transfers

- 4.1 The following rules apply to transfers where a student:
- Transfers from a course the college has closed to an alternative higher fee course at Petroc the difference will be paid by the college
 - Transfers to a Petroc course with a similar tuition fee, no charge will be made
 - Decides to transfer from a Petroc course to a Petroc course with a higher tuition fee the student will pay the difference between the course tuition fees

5. Compensation

- 5.1 In the event that it is not possible to preserve continuation of study necessitating a transfer to an alternative Petroc course, the arrangements outlined in paragraph 4.1 above will apply.
- 5.2 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 compensation for additional travel or other costs directly attributable to the non-preservation of continuation of study.
- 5.3 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.
- 5.4 The college is cognisant of Office of the Independent Adjudicator (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 such cases:

Indicative Compensation Bands Distress and Inconvenience Awards for Higher Education Students	
Level of distress and inconvenience	Indicative compensation
Moderate	Up to £500
Substantial	Between £501 and £2,000
Severe	Between £2,001 and £5,000

Policy Name: Refund and Compensation Policy	Policy No: P128002
Approved Date: 22 February 2022	Review Date: February 2023
Approved by: Executive Team	EqlA Completed: Yes
Author: Vice Principal Finance and Resources	Monitoring & Evaluation: Executive Team

The above amounts are indicative only and any compensation payments will be determined by the specific circumstances applicable to the student. Any payments over £5,000 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.
- 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.

6. Financial Implications of Refund and Compensation Policy

- 6.1 The college will incorporate provisions within its annual budget for the potential payment of tuition fee and other refunds and 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.
- 6.2 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), this policy is subject to annual review.

Policy Name: Refund and Compensation Policy	Policy No: P128002
Approved Date: 22 February 2022	Review Date: February 2023
Approved by: Executive Team	EqIA Completed: Yes
Author: Vice Principal Finance and Resources	Monitoring & Evaluation: Executive Team