


# HIGHER EDUCATION REFUND AND COMPENSATION POLICY



Policy Review				
Author/Owner	Position	Approved by SMT	Approval date	Review date
Mark Bolton	CEO and Principal	Signed: 	23.06.23	Annually at the start of the new Academic Year

## Document Control – Revision History (Policies only)

Author/Owner	Summary of Changes	Date	Date last reviewed by SED	Version	Recommend to SED Y/N
Mark Bolton	New Policy	15.06.18	-		Yes
Sian Deasy	Minor amends, restructure of pro-forma to improve usability.	15.05.21			
Sian Deasy	Updated OIA timeframe to 12 months, added LoC reference, added numbered formatting.	14.04.22		v1	
Sian Deasy	Inclusion of Completion of Procedures templates. Increased clarity in point 4.7. Removal or amendment of terms which may be construed as blanket statements, in particular in line with post-covid precedent from the OIA. Added reference to OIA financial redress levels.	15.06.23			

Initial Equality Impact Screening			
Have you consulted on this policy? Yes Details: consulted with relevant staff and legal team at creation of policy.			
What evidence has been used for this assessment? Feedback sought from Open University in 2023 as part of Institutional Approval process, as well as reviewing policy in line with CMA guidance. Review for inclusion of gendered pronouns.			
Could a particular group be affected differently in either a negative or positive way? Indicate Y where applicable			
<b>Group</b> Age Disability Gender (incl. Transgender) Race (incl. Gypsy & Traveller) Religion or belief Sex Sexual orientation Marriage & civil partnership Pregnancy & maternity Other groups (see guidance)	<b>Negative impact</b>	<b>Positive impact</b>	<b>Evidence</b>
Please give details:			
If any negative impacts are identified, are there any related policies, services, strategies, procedures or functions that need to be assessed alongside this screening? If yes, please detail below: N/A			
Should the policy proceed to a full Equality Impact Assessment? No If no, please give reasons: there are no negative impacts identified.			

**Declaration**

We are satisfied that an initial screening has been carried out on this policy and a full Equality Impact Assessment is not required.

Completed by Author: Sian Deasy Position: Head of Higher Education and Adult Learning Date: 14.06.23  
Reviewed by Safeguarding, Equality & Diversity Group: Date: 27.06.18

**Comments from Safeguarding, Equality & Diversity Group Review:****1. PURPOSE OF THE POLICY**

- 1.1. Yeovil College University Centre (YCUC) aims to deliver high quality education to all of its learners. However, we recognise that exceptional circumstances can arise where service drops below the expected standard or it is not possible to continue with delivery of a programme as planned. In these cases, the college will endeavour to offer an appropriate remedy to students to minimise disruption and ensure students are supported to continue in their learning. If after all relevant options are investigated and exhausted continuation of study is not possible or is significantly disrupted, we recognise that such inconvenience may be recompensed by a system of fair and equitable compensation within set guidelines to ensure value for money in applying the most suitable outcome for both student and YCUC.
- 1.2. This policy should be read in conjunction with the Yeovil College Customer Feedback Policy and Procedure (Including Complaints), Student Protection Plan, the HE Fees Policy, and the HE Student Charter<sup>1</sup>.

**2. OVERVIEW**

- 2.1. Our HE Student Terms and Conditions<sup>2</sup> explain that, in exceptional circumstances, it might be necessary for the College to alter the content or delivery of taught programmes or to suspend programmes. Whilst this is unlikely the impact of external factors could result in the reduction of expected standards of programme delivery or administration.
- 2.2. In exceptional circumstances, it is possible that the College may cancel a programme before the set start date if it is deemed that it would not be viable for academic, regulatory, legal, commercial, financial, or other reasons. This policy would then only apply in these circumstances if an individual had applied and was accepted for a place on the programme of study at Yeovil College University Centre. More detail on these circumstances, and the support that would be available to students, can be found in Section 6 of the HE Student Terms and Conditions.

<sup>1</sup> Available at <https://www.yeovil.ac.uk/policies-reports/>

<sup>2</sup> Available at <https://www.yeovil.ac.uk/policies-reports/>

### 3. **SCOPE**

- 3.1. This policy applies to students studying with Yeovil College University Centre and sets out circumstances in which payments by means of compensation may be made to students who are or have recently attended YCUC. Learners studying on a 'Franchised' or 'Flying Faculty' programme may be entitled to request refund / compensation under this Policy or may be required to use the Policy of their awarding university, depending on the nature of the issue they have faced. Students can contact the University Centre department for guidance if they are unsure as to how to proceed.
- 3.2. For the avoidance of doubt students are not able to obtain redress under both the Student Protection Plan and this policy; in some instances, students might be given a choice between accepting redress under either the Plan or this Policy but not both.
- 3.3. This policy is focussed on ensuring a fair and equitable system of compensation in exceptional circumstances where the college has not met expected standards. It does not cover the automatic return of fees when a service is no longer being offered – for example, if a student pays an initial tuition fee instalment for a course which is subsequently withdrawn prior to commencement, the initial instalment would be refunded to the student, or if a student pays a full year of tuition fees upfront and subsequently withdraws from the programme before the final attendance confirmation period of the academic year, they would then be eligible for refund of the appropriate portion of fees, in line with the HE Fees Policy. If a student is entitled to an automatic return of fees in line with circumstances outlined in this section this should usually be processed automatically, however, students should contact [finance.admin@yeovil.ac.uk](mailto:finance.admin@yeovil.ac.uk) if they have any queries.

### 4. **THE POLICY**

- 4.1. Any instances where refunds or compensation may be applicable are rare and the College works hard to ensure that any disruption is minimised, and students are supported to complete programmes of study as planned. This is detailed in the Yeovil College Student Protection Plan. If after all relevant options are investigated and exhausted continuation of study is not possible or is significantly disrupted, the individuals affected may be able to apply for a refund of fees and payments made to the College in full or part and or compensation for relevant losses incurred.
- 4.2. The College does not accept any liability for any consequential or other economic loss (including loss of profits, loss of goodwill or loss of opportunity) resulting from any of the matters covered by this policy that it should not have been reasonably expected to foresee.

- 4.3. Yeovil College will consider individuals' eligibility for refund and/or compensation on a case-by-case basis and will take into account factors including (but not limited to):
- The scale and impact of the matters affecting the individual;
  - Travel costs (e.g. where an individual has to transfer to another provider);
  - Maintenance costs (e.g. childcare if student contact sessions have to be delivered at times outside the normal teaching day/week);
  - What mitigation we have put in place that students may or may not have taken advantage of – including the provisions set out in the Student Protection Plan;
  - How much of the programme has been completed;
  - What is reasonable in all of the circumstances.
- 4.4. Eligibility for refund and/or compensation, and the amounts to be awarded will be considered by the Senior Management Team. In some cases, the college will establish set rates for compensation of travel costs, which will be applied automatically to all affected students. We will explain clearly how we have calculated these set rates. In other cases, we may ask students to provide evidence of costs which have been incurred for which individuals are seeking compensation.
- 4.5. Compensation Claim Forms must be submitted by the complainant, providing full and clear details of the claim. It is the student's responsibility to provide all necessary evidence to support the claim.
- 4.6. Any compensation paid after an investigation has taken place will be in full and final settlement of the claim, the acceptance of the compensation determines the individual's acceptance that the claim has been settled in full.
- 4.7. The calculation of the compensation will be based on a fair assessment of the fees paid within the current or relevant academic year, considering these fees in relation to the number of term weeks the fee period covered. If any fees are outstanding the compensation if awarded will be offset against the debt.
- 4.8. Compensation will only be considered once a related complaint has been investigated. If an individual wishes to make a claim for compensation, then it should follow the set policy and will only be considered after the complaints process has been followed.

## **5. TIMEFRAME**

- 5.1. The Compensation Policy is separate from the Complaints Policy and all claims for compensation will be reviewed and responded to within 20 working days. Any compensation payments, if awarded, will be made within 14 days of the official response. If the compensation claim is linked to a complaint the timeline will follow the closure and completion of the complaints process.

## **6. COMPENSATION ENTITLEMENT**

- 6.1. Each case/claim for compensation will be assessed individually, and in line with the principles of the 'Putting Things Right' guidance published by the Office for the Independent Adjudicator<sup>3</sup>, which outlines suggested levels of financial compensation for 'moderate', 'substantial' and 'severe' occurrences, as well as defining these terms in more detail.

## **7. APPEALS**

- 7.1. If a compensation claim is refused claimants have the right to appeal. Any appeal must be made within 10 working days of the initial response. The appeal will be considered by the Principal whose decision is the final step of internal college procedures.
- 7.2. A 'Completion of Procedures' letter will be issued alongside the outcome of the appeal, in line with OIA guidance (See Appendix 4).
- 7.3. Where an individual feels that their claim for compensation and complaint has not been dealt with appropriately by Yeovil College they can then raise their complaint directly with the relevant University partner. Once internal procedures have been exhausted (or the University procedures) and the outcome is not satisfactory, advice can be sought from the Office of the Independent Adjudicator who operate an independent review scheme acting as an appeal body within 12 months of receiving a decision. Details can be found at the OIA website<sup>4</sup>.

## **8. RESPONSIBILITY AND AUTHORITY**

- 8.1. The Senior Management Team in conjunction with the Higher Education office is responsible for ensuring that the colleges approach to compensation is appropriate and fair.
- 8.2. The responsibility for the Compensation Policy and Procedure lies with the Vice Principal, Curriculum and Quality.

## **9. REVIEW AND EVALUATION**

- 9.1. This policy will be reviewed every two years, but the frequency of review may be amended depending on any alterations to associated policies such as the Complaints Policy.

## **RELATED POLICIES, PROCEDURES, DOCUMENTS, DEFINITIONS<sup>5</sup>**

Customer Feedback Policy and Procedure (including complaints)

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<sup>3</sup> <https://www.oiahe.org.uk/about-us/reviewing-complaints/what-happens-when-a-student-complains-to-us/putting-things-right/>

<sup>4</sup> <http://www.oiahe.org.uk/>

<sup>5</sup> Yeovil College Policies and Procedures are available at Available at <https://www.yeovil.ac.uk/policies-reports/>

Student Contract

HE Fees Policy

Student Protection Plan

HE Terms and Conditions

HE Student Charter

Office of the Independent Adjudicator website<sup>6</sup>

'Putting Things Right' guidance from the Office of the Independent Adjudicator<sup>7</sup>

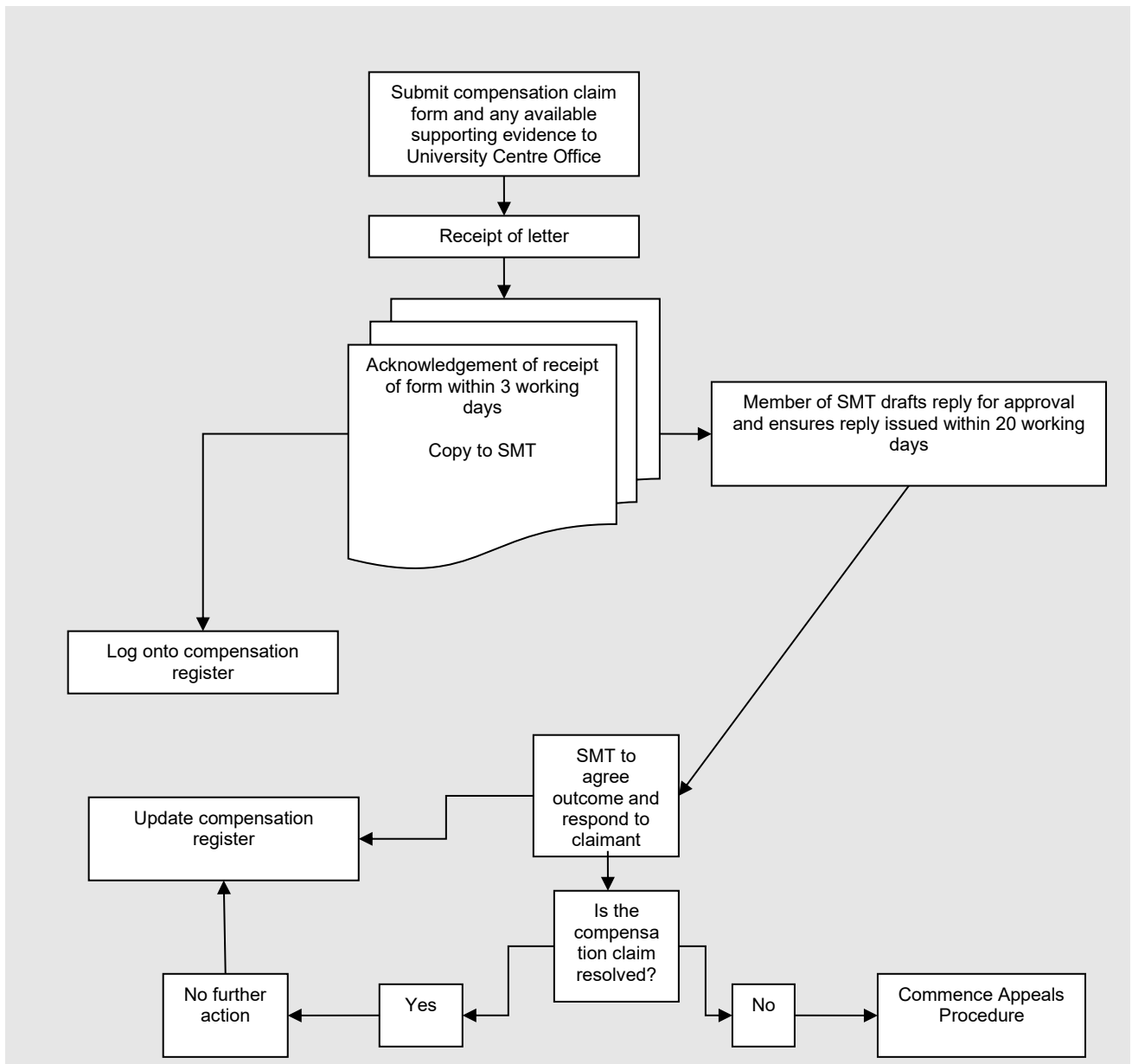
*If this document is required in an alternative format, please contact [University.Centre@yeovil.ac.uk](mailto:University.Centre@yeovil.ac.uk)*

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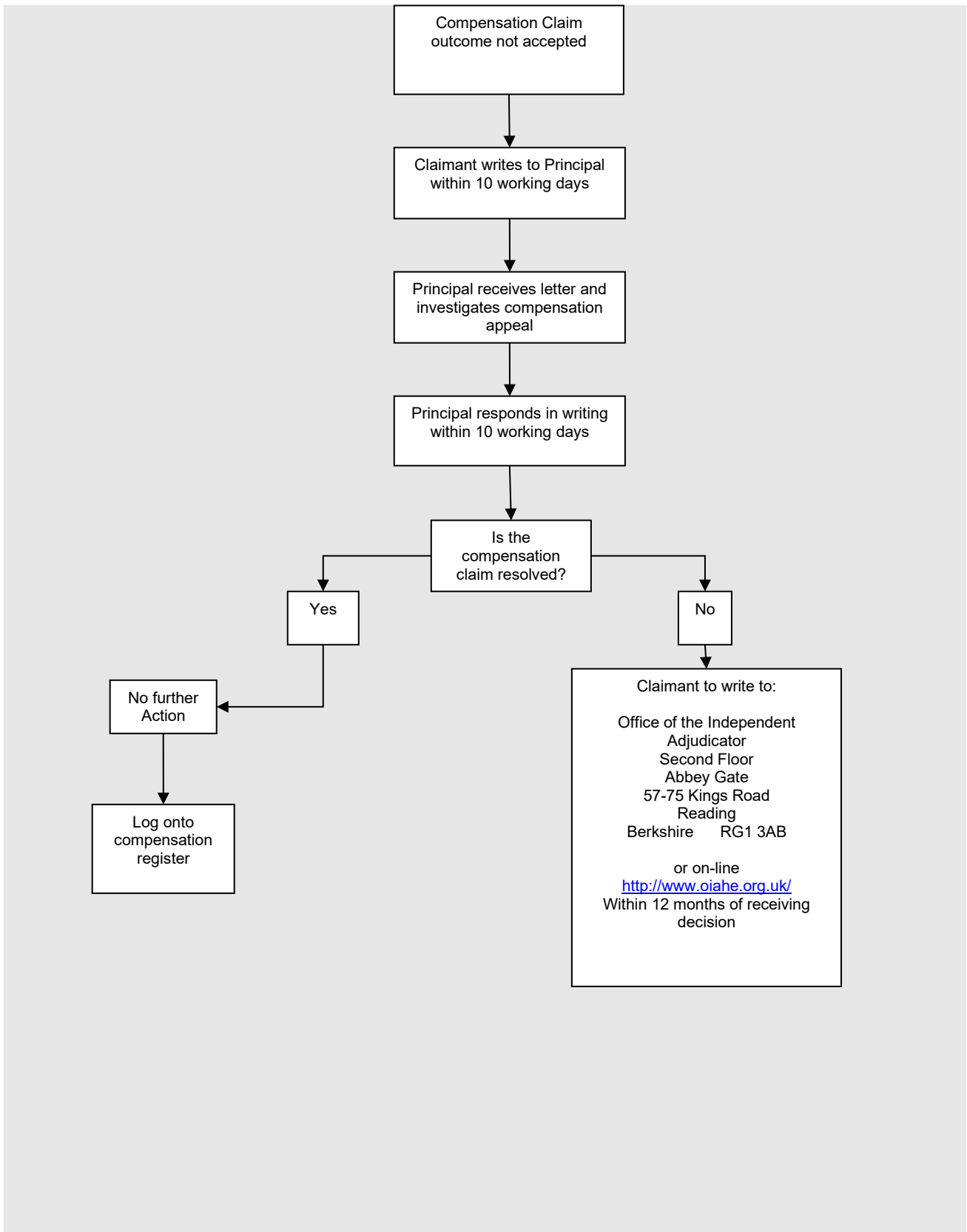
<sup>6</sup> <https://www.oiahe.org.uk/>

<sup>7</sup> <https://www.oiahe.org.uk/about-us/reviewing-complaints/what-happens-when-a-student-complains-to-us/putting-things-right/>

## APPENDIX 1 - Compensation Policy Procedure



## APPENDIX 2 - Compensation Policy Appeals Procedure





**APPENDIX 3  
YEOVIL COLLEGE UNIVERSITY CENTRE  
HIGHER EDUCATION COMPENSATION CLAIM FORM**

Section 1: Claimant Contact Details	
Title	
Claimant first name	
Claimant last name	
Student Identification Number	
Email address	
Mobile telephone number	
Section 2: Details of Claim	
Programme Name	
Programme Code	
Mode of study (delete those that do not apply)	<b>Full time</b> <b>Part time</b> <b>Distance</b>
Date(s) of incident or event/reason for claim	
Description of incident or event/reason for claim	
Evidence submitted	Yes / No
Details of evidence submitted	

Submit form, and any appropriate supporting evidence, to: [university.centre@yeovil.ac.uk](mailto:university.centre@yeovil.ac.uk) or post to Yeovil College University Centre, Kingston Building, Mudford Road, Yeovil, Somerset, BA21 4DR.

## **APPENDIX 4 – Completion of (Internal) Procedures templates after conclusion of Appeals stage.**

**Template letter when ‘Formal Complaint: Appeal’ stage has been concluded internally for students studying on Open University validated courses.**

Dear **[Name of complainant]**,

This letter confirms that the internal procedures of Yeovil College in relation to your **complaint / appeal etc\*** regarding **[please describe]** have been completed.

The issues that you raised in your **complaint / appeal etc\*** were **[details]**. The issue(s) that were considered in relation to your **complaint / appeal etc was / were\***: **[brief summary of the complaint etc]**.

Our final decision is\* **[detail]** because **[reasons]**.

In conclusion the College will be taking the following actions in relation to the issues you have raised. **[Here you must add – actions to be taken, timescales and who is responsible.]**

Once again please accept my sincere apologies for any upset or distress that was caused to you or upset or distress you felt. **[Use the former phrase if the complaint was justified]**. I can assure you that every effort will be made to ensure that all future dealings that you may have with the College will prove to be satisfactory.

I hope you will view this response as helpful in addressing your concerns. However, if you have any further concerns, require any information, or would like to attend a meeting to discuss your **complaint / appeal** further, please contact me to resolve any outstanding issues you may have.

I should also like to take this opportunity to thank you for contacting us about your concerns. The opinions of those who use our services give us valuable insight into the service that we provide and areas where improvements might be made.

Because you are studying on a programme validated by the Open University (OU) you can request that the OU reviews this outcome if certain conditions are met. Please read “Appendix 1: Student Complaints and Appeals Procedure” of the Open University’s Handbook for Validated Awards<sup>8</sup> to understand if you would be eligible to request the Open University review this outcome, and if so,

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<sup>8</sup> <https://www.open.ac.uk/about/validation-partnerships/about-ou-validation/ou-handbook-validated-awards>

the timeline and process you will need to follow. Do read the Open University's documentation for full details, however, you should be aware that it is important that the OU receives any complaints or appeals as soon as possible, and within three months of the date of this letter. A delay may mean that the OU are unable to investigate the matter fully.

Please note, that procedures will not be deemed officially 'completed', and therefore you would not be able to ask the Office of the Independent Adjudicator for Higher Education (OIA) to review this outcome until you had also exhausted the Open University's processes. If you were to follow and complete the Open University's processes, you would then be issued a 'Completion of Procedures' letter and at that point would be entitled to request that the OIA review the complaint. Please be aware that there are time limits within which you would have to request the OIA review a complaint – typically students have 12 months to bring an appeal to the OIA, although please visit their website for the most up-to-date information.

Yours sincerely,

**[Authorised signatory]**

**Template letter when ‘Appeal’ stage has been concluded internally for students studying on University of Gloucestershire validated courses, relating to matters that have the right of appeal to UoG.**

Dear **[Name of complainant]**,

This letter confirms that the internal procedures of Yeovil College in relation to your **complaint / appeal etc\*** regarding **[please describe]** have been completed.

The issues that you raised in your **complaint / appeal etc\*** were **[details]**. The issue(s) that were considered in relation to your **complaint / appeal etc was / were\***: **[brief summary of the complaint etc]**.

Our final decision is\* **[detail]** because **[reasons]**.

In conclusion the College will be taking the following actions in relation to the issues you have raised. **[Here you must add – actions to be taken, timescales and who is responsible.]**

Once again please accept my sincere apologies for any upset or distress that was caused to you or upset or distress you felt. **[Use the former phrase if the complaint was justified]**. I can assure you that every effort will be made to ensure that all future dealings that you may have with the College will prove to be satisfactory.

I hope you will view this response as helpful in addressing your concerns. However, if you have any further concerns, require any information, or would like to attend a meeting to discuss your complaint further, please contact me to resolve any outstanding issues you may have.

I should also like to take this opportunity to thank you for contacting us about your concerns. The opinions of those who use our services give us valuable insight into the service that we provide and areas where improvements might be made.

Because you are studying on a programme validated by the University of Gloucestershire (UoG), you can request that UoG review this outcome if you are dissatisfied with the outcome reached, if certain conditions are met. Please visit the ‘Academic Appeals and Student Complaints’<sup>9</sup> section of the UoG website to review UoG’s procedures and understand if you would be eligible to request UoG review this outcome, and if so, the timeline and process you will need to follow. Do read the UoG documentation for full details, however, you should be aware that it is important that the UoG

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<sup>9</sup> <https://www.glos.ac.uk/information/knowledge-base/appeals-and-complaints/>

receives any complaints or appeals as soon as possible, and within their published timescales. A delay may mean that UoG are unable to investigate the matter fully.

Please note, that procedures will not be deemed officially 'completed', and therefore you would not be able to ask the Office of the Independent Adjudicator for Higher Education (OIA) to review this outcome until you had also exhausted the University of Gloucestershire's processes. If you were to follow and complete UoG's processes, you would then be issued a 'Completion of Procedures' letter and at that point would be entitled to request that the OIA review the complaint. Please be aware that there are time limits within which you would have to request the OIA review a complaint – typically students have 12 months to bring an appeal to the OIA, although please visit their website for the most up-to-date information.

Yours sincerely,

**[Authorised signatory]**

**Template letter when 'Appeal' stage has been concluded internally for students studying on a higher education programme which does not have the right of appeal to a partner university.**

Dear [Name of complainant],

### **Completion of Procedures Letter**

This letter confirms that the internal procedures of Yeovil College in relation to your **complaint / appeal etc\*** regarding **[please describe]** have been completed.

The issues that you raised in your **complaint / appeal etc\*** were **[details]**. The issue(s) that were considered in relation to your **complaint / appeal etc was / were\***: **[brief summary of the complaint etc]**.

Our final decision is **[detail]** because **[reasons]**.

The **procedures / regulations** applied were: **[details and date as supplied to the OIA's electronic Regulations Bank]**.

In conclusion the College will be taking the following actions in relation to the issues you have raised. **[Here you must add – actions to be taken, timescales and who is responsible.]**

Once again please accept my sincere apologies for any upset or distress that was caused to you or upset or distress you felt. **[Use the former phrase if the complaint was justified]**. I can assure you that every effort will be made to ensure that all future dealings that you may have with the College will prove to be satisfactory.

I hope you will view this response as helpful in addressing your concerns. However, if you have any further concerns, require any information, or would like to attend a meeting to discuss your **complaint / appeal** further, please contact me to resolve any outstanding issues you may have.

I should also like to take this opportunity to thank you for contacting us about your concerns. The opinions of those who use our services give us valuable insight into the service that we provide and areas where improvements might be made.

Yeovil College subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome you may be able to apply for a review of your **complaint / appeal etc\*** to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form must be received by the OIA within 12 months of the date of this letter, that is, it must be received by the OIA on or before **[insert date - e.g. if the Completion of Procedures Letter is dated 9 July 2015, this date should be 9 July 2016]**.

**[Include here any factors of which the provider is aware which mean that it is particularly important for the student to bring the complaint promptly.]**

You can fill in the OIA's complaint form online or download a copy from the OIA website<sup>10</sup>. The OIA also publishes An Introduction to the OIA Scheme for Students, which can be downloaded from the OIA website<sup>11</sup>. Alternatively, you can telephone or write to the OIA for a form. You should send a copy of this letter to the OIA with your OIA Complaint Form.

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website<sup>12</sup>. You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

Please note that the OIA will normally only review issues that have been dealt with through the provider's internal procedures.

Yours sincerely,

**[Authorised signatory]**

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<sup>10</sup> <https://www.oiahe.org.uk/students/how-to-complain-to-us/>

<sup>11</sup> <https://www.oiahe.org.uk/students/can-you-complain-to-us/>

<sup>12</sup> <https://www.oiahe.org.uk/students/how-to-complain-to-us/>