

# STUDENT REFUND AND COMPENSATION POLICY



This document sets out the University's approach to refunds and awards of financial compensation payable to students.

<b>Version</b>	1.1
<b>Executive Sponsor</b>	Deputy Vice Chancellor Engagement
<b>Officer Responsible for Policy/ Procedures</b>	Associate Pro-Vice Chancellor Students
<b>Consultation Process</b>	Executive Operations Group Executive Engagement Group
<b>Date of Approval and Committee and/or Executive Officer</b>	Executive
<b>Effective Date</b>	18 October 2021

# 1. SCOPE OF THE POLICY

## 1.1 Purpose of the Policy

This Policy is allied to the University's Student Complaints Procedure and sets out:

- The circumstances in which the University will provide refunds or financial compensation to students in relation to tuition fees, other course costs and/or other relevant costs, and
- How the University will make decisions regarding refunds and awards of financial compensation.

Refunds and financial compensation are not to be relied upon in the first instance to settle student complaints but are integrated within the Student Complaints Procedure and are possible outcomes of this process. A refund and/or the award of financial compensation will not always be an appropriate response to student complaints, and most issues will not be resolved in this way. Non-financial remedies will usually provide a more appropriate resolution to student complaints.

This Policy does not replace or change the effect or meaning of the University's Tuition Fee Charging Policy which sets out the basis on which students will be charged for tuition fees and their liability at each stage of the academic year if they withdraw or take a leave of absence.

This Policy does not replace or change the effect or meaning of the University's Student Protection Plan which sets out what applicants, offer-holders, prospective students and students can expect to happen if the University could not preserve the continuation of a course or programme of study, or if the whole University were to close.

## 1.2 What is covered by the Policy

This Policy covers situations which are outside the control of students where the University could reasonably be considered not to have met the required standard of education, support or service.

This Policy sets out the circumstances in which the University will refund tuition fees and other relevant costs to students where appropriate.

This Policy does not apply to situations or complaints relating to:

- Academic decisions made by examiners and the Boards of Examiners which are dealt with under the Academic Appeal Procedure. Students are directed to contact Academic Services.
- Admissions decisions which are dealt with under the Applicant Appeals and Complaints Procedure. Students are directed to contact the Director of Admissions, Outreach and Recruitment.

## 1.3 Who is covered by the Policy

This Policy applies to all students of Aston University (as defined in section 3 of this Policy).

In accordance with the Student Complaint Procedure, it is expected that students will raise any concerns or complaints promptly after an issue arises, usually within one month.

## 1.4 Breach of this Policy

Any breach of this Policy and its associated procedures by staff will be investigated in accordance with the University's disciplinary procedure. Any breach of this Policy and its associated procedures by non-staff will be investigated and steps taken in accordance with the law and any relevant contract.

## 1.5 Policy Ownership

The Executive has approved this Policy, the Deputy Vice Chancellor Engagement is the Executive sponsor, and the Associate Pro-Vice Chancellor Students is the officer responsible for the Policy. Any questions about the operation of this Policy or any concerns that the Policy has not been followed should be referred in the first instance to the Associate Pro-Vice Chancellor Students.

# 2. THE POLICY STATEMENT

## 2.1 Guiding Principles

This Policy is guided by the University's commitment to supporting students achieve their academic outcomes, and to enhancing their educational and student experience.

When making decisions relating to refunds and/or awards of financial compensation in accordance with this Policy, the University will:

- Act lawfully and in a fair and transparent manner,
- Ensure the responsibilities and duties in the following areas are complied with:
  - Statutory responsibilities:
    - Consumer Rights Act 2015 (CRA),
    - Higher Education and Research Act 2017 (HERA),
  - Registration with the Office for Students, Office of the Independent Adjudicator for Higher Education (OIA),
  - Sector-wide responsibilities:
    - Office of the Independent Adjudicator (OIA) and/or Quality Assurance Agency (QAA) guidance,
  - Institutional responsibilities:
    - Ensuring consistency with institutional regulations.

# 3. GLOSSARY OF TERMS

The terms set out in this Section 3 apply to this Policy:

**financial compensation:** a financial payment, discount or some other form of financial benefit offered to a student in recognition of a loss suffered by the student. This normally falls into two categories, either: (a) recompensing the student for wasted out of pocket expenses they have incurred, which were paid to someone other than the University (such as travel costs) or (b) an amount to recompense for material disadvantage to the student arising from a failure by the University to discharge its duties appropriately.

**non-financial remedy:** resolution of a student's complaint without the need for a refund or financial compensation. This may include an offer of alternative learning methods if the course

cannot be delivered in the way it was originally intended or allowing the student to repeat part of the course that did not meet the required standard. It may also include an apology or goodwill gesture.

**refund:** the repayment of sums paid by a student to the University or an appropriate reduction in sums owed in future by the student to the University. This could include tuition fees or other course costs.

**student:** For the purposes of this Policy, the term “student” includes:

- all individuals currently enrolled either full-time or part-time on any programme of study, including both taught and research students and those on a placement year,
- all individuals who are on an official leave of absence granted by the University,
- all individuals who have been awarded within the previous 12 months by the University, or
- a group of two or more students who are making a Group Complaint.

## 4. PROCESS

### 4.1 Individual and group complaints

- a) Refunds or financial compensation will be considered following informal or formal complaints being raised or submitted to the University in accordance with the Students Complaints Procedure.
- b) Students wishing to apply for a refund or financial compensation are required to complete the Student Complaints Procedure, the outcome of which could be a refund, financial compensation or a non-financial remedy if the complaint is upheld.
- c) If, following completion of the Student Complaints Procedure, the student(s) remain(s) dissatisfied with the outcome of their complaint, in receipt of the University’s Completion of Procedures letter, they may take their complaint to the OIA.
- d) If the student(s) is/are satisfied with the proposed outcome, this outcome will be in full and final settlement of all claims arising out of the same issue.

### 4.2 How the University will handle issues that affect more than one student

- a) The University may decide that an issue arising from an individual or group complaint also affects other students. In these circumstances, the University may choose to apply this Policy more widely.
- b) Where the University considers that an issue has potentially affected more than one student, the University may offer a separate, streamlined large-group process to all affected students. The large-group process offered will be proportionate and fair, and consistent with the Student Complaints Procedure. Should this situation arise, the University will make the large-group process clear to students.
- c) If an affected student would prefer to use the Student Complaints Procedure individually, they will not be prevented from doing so.
- d) If a student's complaint is dealt with through the large-group process rather than the Student Complaints Procedure and a student is dissatisfied with the outcome, the

student will be offered the option of receiving a Completion of Procedures letter so they may progress their complaint to the OIA.

- e) If, having used the large-group process, a student is satisfied with the proposed outcome, this outcome will be in full and final settlement of all claims arising out of the same issue.
- f) Should the University make a decision that affects multiple students, in the interest of fairness as individual circumstances may differ, the University reserves the right not to apply the same remedy (financial or otherwise) to every student.

## 5. DECISION MAKING

The University will make decisions based on the evidence available at the time. All decisions will be recorded.

Any decision to award a refund or financial compensation to a student will not affect the student's eligibility to receive a scholarship or bursary whilst registered as a student at the University.

Students will receive the outcome of their complaint in writing within the timelines outlined in the Student Complaints Procedure.

Refunds and awards of financial compensation will be approved and facilitated in accordance with the University's Financial and Contracting Policy.

### 5.1 Factors informing the University's decision

The factors the University will consider in assessing refunds and awards of financial compensation under this Policy are:

- a) Whether the University has failed to deliver any specific undertakings given to the student for the way in which the programme of study was to be delivered.
- b) Whether there has been a failure by the University to deliver against material information agreed with the student at the point of acceptance of the offer.
- c) Whether a period of prolonged disruption, without sufficient remedial action, has jeopardised the University's ability 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 programme of study.
- d) Whether there has been a demonstrable loss (financial or otherwise) to the student and whether the student has been able to achieve the learning outcomes for their course.
- e) Whether the student has met their own responsibility to minimise losses.
- f) Whether the University followed its own processes in delivering the programme of study, for example, quality assurance processes and communications to students.
- g) Whether the student has been affected in relation to their final degree award, accreditation award or ability to take up a job offer.

- h) Whether any alternative arrangements or adjustments were implemented for students to mitigate against any loss. Did the student take up what was offered? Were they still disadvantaged despite the alternative arrangements?
- i) Where a complaint is made regarding disruption to a student's learning experience which is beyond the student's control, whether the University communicated with students throughout the process? Have communications been clear and consistent so that students were aware of any changes and how it might affect them?
- j) Whether a refund or financial compensation is the most appropriate way to deal with the complaint, or to address any material failure to deliver the appropriate learning opportunities. Would a non-financial remedy be a more appropriate response? The University will consider the basis for the complaint (e.g. loss of teaching time or material impact on learning outcomes and future prospects).

## 6. ISSUING REFUNDS, FINANCIAL COMPENSATION AND/OR NON-FINANCIAL REMEDIES

### 6.1 Refund

- a) If the student has an outstanding debt owed to the University, the University will apply the refund to reduce this liability first.
- b) The University will make refunds directly into the bank account from which the student's fees are paid.

### 6.2 Financial compensation

Financial compensation will be paid directly to the student by bank transfer.

## 7. OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION (OIA)

If a student remains dissatisfied with the outcome of their complaint and claim for a refund or financial compensation under this Policy, the student may be able to apply for a review of their claim by the OIA.

The OIA will not normally review complaints unless they have been considered through the University's own complaints procedure.

The student must submit their complaint in writing using the OIA complaint form which can be found on the OIA's website [OIA Complaint Form \(oiahe.org.uk\)](http://oiahe.org.uk).

The OIA must receive the student's complaint form within 12 months from the date of the Completion of Procedures letter received following completion of the Student Complaints Procedure.

Guidance on submitting a complaint to the OIA can be found on the OIA's website. Students may also wish to seek advice from the Advice & Representation Centre (ARC) in the Students' Union.