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Student Refund and Compensation (Non-Continuation of Study) Policy and Procedure

1. SCOPE AND PURPOSE

- 1.1 This policy and procedure is for Bournemouth University (BU) students and those who hold an offer for admission to the University.
- 1.2 BU is committed to using its best endeavours to ensure all students are able to continue and have opportunity to complete their studies at the University. The risk that the University will not be able to preserve continuity of study is low and BU considers refunds and compensation to be a remedy of last resort. It is however important to explain how BU will refund or compensate students if BU is unable to preserve that continuity of study.
- 1.3 This policy is for use when a student or applicant may be eligible for a refund or compensation due to their current course being discontinued, leading to the student not being able to start or complete their chosen course of study. Assessment of the case for award of a refund or compensation will normally be made as part of the consideration of a student complaint considered under the Student Complaints procedure. The University may also occasionally wish to initiate the award of a refund or compensation to students in the event that BU is unable to preserve continuity of study.
- 1.4 Students are advised that in addition to the rights set out in this policy they also have additional statutory remedies under the Consumer Rights Act 2015 (CRA). This policy is informed by the CRA and the Higher Education and Research Act 2017 (HERA). BU is regulated by the Office for Students and conforms to the requirements set out in the *Student Protection Plan*.
- 1.5 This policy will be reviewed on an annual basis.

2. KEY RESPONSIBILITIES

- 2.1 Responsibility for the management and implementation of this policy and procedure lies with Academic Services.
- 2.2 Responsibility for the approval and authorisation of refunds and/or compensatory payments lies with the appropriate Faculty or service.

- 2.3 Responsibility for the arrangement of refunds and/or compensatory payments lies with Finance and Performance.

3. LINKS TO OTHER BU DOCUMENTS

- 3.1 Other documents with direct relevance to this one are:
- [Bournemouth University Student Protection Plan](#)
 - [11F - Student Complaints: Policy and Procedure](#)
 - [3T - Admissions Appeals and Complaints: Policy](#)
 - [4A - Programme Approval, Review and Closure Policy and Procedure](#)
 - [Student Agreement](#)
 - [Fees Policy](#)

Policy

4. INTRODUCTION AND CONTEXT

- 4.1 As a registered provider of higher education, BU has published a *Student Protection Plan* which sets out how the University would attempt to preserve continuity of study for current students and offer holders in the event that a risk to commencement or continuation of study crystallises. The Student Protection Plan is designed to assure students that the University has appropriate arrangements in place to protect continuity of study. It outlines the types of risks that might arise and explains the approach BU would take if these risks were to materialise.
- 4.2 In addition to the *Student Protection Plan*, BU is required to adopt a Refund and Compensation Policy setting out the circumstances in which BU will refund tuition fees and other relevant costs to students and provide compensation if BU is no longer able to preserve continuation of study for one or more students. The *Student Protection Plan* identifies this as a low risk, but BU recognises that if it were to occur, affected students could be eligible to receive a refund of fees or appropriate compensation in accordance with this policy.
- 4.3 BU's *Student Refund and Compensation (Non-Continuation of study) Policy and Procedure* outlines which areas would be considered when determining whether a refund or compensation is to be offered as part of the outcome of a student complaint where the complaint is upheld.
- 4.4 Students or offer holders who submit a formal complaint to BU through the Student Complaints procedure are asked to indicate what outcomes they are seeking within the complaints form. This can include whether they wish to apply for a refund and/or compensation (including financial compensation). Students or offer holders would be expected to submit a formal complaint in order for their request to be considered.
- 4.5 BU is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic

group, sexual orientation, marital status, family responsibilities, religious or political beliefs.

5. EXPLANATION OF TERMS

- 5.1 In this policy a reference to BU no longer being able to preserve continuation of study means that BU has terminated or intends to terminate either:
- (i) A BU programme of study on which an individual has been offered or accepted a place before that individual can register as a student; or
 - (ii) A BU programme of study on which a student is registered before that 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. It also does not include changes to or termination of programmes where a student has given consent in accordance with the procedures outlined in the *Student Agreement*.

- 5.2 In this policy a reference to a refund means the repayment of sums paid by a student or an appropriate reduction in the amount of sums owed in future by the student to BU. This could include tuition fees, other course costs or, where payable direct to BU, accommodation costs.
- 5.3 In this policy, compensation means an action taken in recompense for a demonstrable material failing on our part to preserve continuity of study. It may take the form of a remedy without a financial element such as an apology or a goodwill gesture but could also take the form of a discount, a financial payment, or some other form of benefit. The University will also ensure that it makes appropriate provision for offer holders that will include as a minimum, an offer of advice and support to help them decide whether or not to apply for a different programme at BU or seek a suitable alternative.

Procedures

6. CONSIDERATION OF REFUND AND COMPENSATION CLAIMS

- 6.1 Consideration of refund and compensation claims will be made as part of the consideration of the full complaint made by a student or a group of students under the *Student Complaints Policy and Procedure*. The outcomes of any claim will be reported as part of the written response to a complaint. The reasonable level of refund and/or the appropriate compensation would be assessed in light of the individual student and the circumstances of the issue arising.
- 6.2 Where in this policy compensation does equate to payment then this will be in respect of a demonstrable and evidential loss being suffered by a student. As part of the complaint being made to the University, students should provide supporting evidence for any compensation claimed. Depending upon the

circumstances of the complaint, the factors that the University may take into account when assessing claims for compensation could include (but will not be limited to) evidence to show:

- (i) Whether there has been a demonstrable loss to the student;
- (ii) Whether BU followed its own procedures when closing the programme of study;
- (iii) Whether the student will be affected in relation to the final degree award, accreditation award or ability to take up a job offer;
- (iv) Whether the student has met their own responsibility to minimise losses;
- (v) Whether the student took up any reasonable adjustments that were implemented for students to mitigate against the loss and if so consideration of whether a student was disadvantaged despite alternative arrangements.

6.3 In the event that the University is unable to preserve continuity of study, the following areas will be considered when assessing whether a refund and/or compensation is to be offered to a student or a group of students:

- refunds for tuition fees from applicable main sources of funding;
- the payment of additional travel costs for students affected by a change in the location of their course;
- commitments to honour student bursaries and scholarships where student(s) would have been eligible during the remaining parts of the programme but no longer have access to equivalent support at the institution to which they transfer;
- compensation for maintenance costs and lost time where it is not possible to preserve continuation of study and this causes delays in the expected programme completion date;
- compensation for tuition and maintenance costs where students have to transfer courses or provider.

Other areas may be considered as applicable to the specific circumstances.

7. ELIGIBILITY

7.1 This policy covers all students of BU and those currently holding offers from the University. It covers: students in receipt of a tuition fee loan from the Student Loans Company; students who pay their own tuition fees; and students whose tuition fees are paid by a sponsor. In all cases, tuition fees and other costs will only be refunded to the original fee-payer/sponsor (whether Student Loans Company, individual student, or sponsor of a student).

7.2 This policy will not apply to individuals who have completed the studies for which they registered as a student with BU unless, in accordance with the *Student Complaints Policy and Procedure*, they have taken forward a complaint within one month of an event occurring and that complaint is then upheld.

8. PAYMENTS

- 8.1 Refunds will only be made to the account holder (or other financial institution) that originally paid the tuition fee or other costs 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.
- 8.2 Compensation payments will be paid by cheque, payable to the student as per name held on BU's student record system.

9. REVIEW BY THE OFFICE OF THE INDEPENDENT ADJUDICATOR

- 9.1 Students who remain dissatisfied after exhausting Bournemouth University's internal procedures may request a review from the Office of the Independent Adjudicator for Higher Education. Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator,
Second Floor,
Abbey Gate,
57-75 Kings Road,
Reading,
RG1 3AB.
Tel: 0118 959 9813
Email: enquiries@oiahe.org.uk

General

10. REFERENCES AND FURTHER INFORMATION

- 10.1 [Universities UK – Compensation and refund policies – Developing good practice](#)
[Office of the Independent Adjudicator – Good Practice Framework](#)
[QAA Chapter B9 – Academic Appeals and Student Complaints](#)