

Student Protection Plan - Policy on Refunds and Compensation

1. Context

- 1.1 The University is committed to protecting the continuation of study for all students and the University's [Student Protection Plan](#) sets out the arrangements which the University has in place to help ensure the achievement of that objective. The Student Protection Plan assesses the risks to the continuation of study for students to be low and, for that reason, coupled with the measures the University has in place to mitigate those risks, this policy is likely to apply in only very exceptional circumstances.
- 1.2 This policy outlines the University's approach to considering whether tuition fees and other relevant costs (for example, mandatory programme related costs) should be refunded and/or compensation should be offered in circumstances where the University is no longer able to protect continuation of study for students. The University's primary focus is on ensuring continuity of study and the University considers refunds and the payment of compensation to be a remedy of last resort.
- 1.3 When applying this policy, the University may require students to provide written evidence in support of any costs or losses they may have incurred.
- 1.4 The University's Student Finance team (part of the Division of Student and Academic Services) has responsibility for considering all other requests for the refund of tuition fees (for example, where a student takes a period of leave of absence or withdraws from their programme part way through the academic year), which will be considered in accordance with the University's guidance on interruptions/withdrawals, as well as guidance from the Competition and Markets Authority (CMA).
 - Interruptions Procedure for PGR Students:
<https://documents.manchester.ac.uk/display.aspx?DocID=39956>
 - Policy on Interruptions to Undergraduate and Postgraduate Taught Programmes of Study: <http://documents.manchester.ac.uk/display.aspx?DocID=26092>
 - Withdrawal of a programme:
<https://www.staffnet.manchester.ac.uk/tlso/quality/development-programmes/programme-withdrawal/>
 - Competitions and Markets Authority (CMA) guidance:
<https://www.staffnet.manchester.ac.uk/tlso/quality/development-programmes/cma/>
- 1.5 This policy should be considered alongside the Student Protection Plan, which can be found at: <http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=37878>

2. Scope and application

- 2.1 This policy applies to:
 - 2.1.1 individuals who have been offered, and have accepted, a place on a programme of study with the University; and

- 2.1.2 registered students (including UG and PGT Taught and PGR students) who have not completed their programme of study or received an award from the University.
- 2.2 This policy applies where the University is unable to protect the continuation of study (i.e. where it is unable to continue to deliver a programme of study or in the rare event a programme is oversubscribed) or award a degree for one or more of the reasons specified in the Schedule (these grounds reflect the details specified by the Office for Students (OfS) in its Regulatory Advice document 3 (for details, please see paragraph 11 of this document)). It does not apply to changes to programmes of study, where students have completed their programme of study or where students choose to withdraw voluntarily from their programme of study.
- 2.3 The University recognises two sets of circumstances that may lead to the non-continuation of study for registered students: planned mid-programme withdrawal; and unexpected programme withdrawal. The University's approach to supporting and communicating with students in these circumstances is outlined in sections 3 and 4 below. The University's approach in relation to offer holders is outlined in section 5.

3. Registered students - planned mid-programme withdrawal

- 3.1 A planned mid-programme withdrawal occurs when the University is able to plan and align the withdrawal of a programme of study with the end of an academic year.
- 3.2 If such circumstances arise, the University will, when preparing its plan for dealing with the withdrawal, consult the students registered on the programme and, as a minimum, will:
 - 3.2.1 ensure all students on the affected programme have the opportunity to receive the University award (for example, certificate or diploma) that recognises their achievement at the point at which the programme is withdrawn, when applicable;
 - 3.2.2 offer all students on the affected programme advice, support and assistance to decide whether or not to transfer to an alternative programme at the University or seek transfer to a suitable alternative provider to complete the programme which is to be withdrawn;
 - 3.2.3 put in place a 'Programme Withdrawal Plan' relevant to the circumstances of the particular withdrawal that includes provision for compensation where appropriate, applying the principles identified in section 7 below;
 - 3.2.4 ensure that any student who is in receipt of a University-funded bursary / studentship and who would have continued to receive that bursary/studentship or funding had the programme not been withdrawn receives the remainder of that bursary or funding whether they transfer to a different programme at the University or to an equivalent programme at an alternative provider;
 - 3.2.5 in circumstances where a third party is providing the bursary/studentship, the University will make representations to the provider to ensure the student is not disadvantaged by the action of the University;
 - 3.2.6 in circumstances where a student is in receipt of a Student Visa, ensure conditions are adhered to and that the student receives support and advice regarding their immigration status.

4. Registered students - unexpected programme withdrawal or unexpected withdrawal of a supervisor

- 4.1 An unexpected programme withdrawal may occur when an unforeseen risk to continuation of study occurs and the University has no alternative but to withdraw a programme of study during the course of an academic year. In such circumstances, the University will treat communication and consultation with the students registered on the programme as a priority.
- 4.2 An unexpected withdrawal of a supervisor on a research programme may occur in such situations as when a supervisor leaves the University of Manchester. Every effort will be made to find a new supervisor with the appropriate academic background and supervisory experience but in exceptional circumstances it may not be possible to appoint a new supervisor. In this scenario, the University has no alternative but to discontinue the student during the course of an academic year. In such circumstances, the University will treat communication and consultation with the students registered on the programme as a priority.
- 4.3 As a minimum, the University will:
 - 4.3.1 ensure all students on the programme have the opportunity to receive the University award (for example, certificate or diploma) that recognises the stage they have reached, when applicable;
 - 4.3.2 offer those students advice and support to help them decide whether or not to transfer to a different programme at the University or seek transfer to a suitable alternative provider to complete the programme, if practicable; (this may not always be possible for professionally accredited programmes);
 - 4.3.3 put in place a 'Programme Withdrawal Plan' or 'withdrawal of supervisor Plan' relevant to the circumstances of the particular withdrawal that includes provision for a refund of tuition fees and, where appropriate, compensation, applying the principles identified in sections 6 and 7 below;
 - 4.3.4 ensure that any student who has been in receipt of a University-funded bursary or similar funding and who would have continued to receive that bursary or funding had the programme/supervisor not been withdrawn receives the remainder of that bursary or funding whether they transfer to a different programme at the University or to an equivalent programme at an alternative provider;
 - 4.3.5 in circumstances where a student is in receipt of a Student Visa, ensure conditions are adhered to and that the student receives support and advice regarding their immigration status.

5. Offer holders – programme withdrawal and oversubscribed programmes

- 5.1 The University may be required to withdraw programmes to offer holders in particular circumstances, including where it has failed to recruit sufficiently. Refunds will not be given on the basis that fees would not yet have been paid to the University.

- 5.2 In the event of a programme being withdrawn, the University will communicate with offer holders who have been offered or who have accepted a place on the programme, to include as a minimum an offer of advice and support to help them decide whether or not to apply for a different programme at the University or seek a suitable alternative at another institution.
- 5.3 If a taught programme is withdrawn after the 30th June in any recruitment cycle, the University may compensate for evidenced expenses relating to attempts to find a suitable programme at another institution, up to the end of September in the same academic year. In doing so, the University will apply the principles identified in section 7 below.
- 5.4 If a research programme is withdrawn less than 8 weeks before the start date in any recruitment cycle, the University may compensate for evidenced expenses relating to attempts to find a suitable programme at another institution, up to the end of the month the programme was due to start in the same academic year. In doing so, the University will apply the principles identified in section 7 below.
- 5.5 In the rare event that an applicant has accepted an offer with the University and the University is then not able to accommodate them on their Programme (this will usually only occur if there is a UK Government or Professional, Statutory or Regulatory Body imposed limit on numbers), the University will look to offer the applicants various choices, including offering to defer their place to a later year, joining a different Programme with the University, or being assisted to find a place on a similar programme with another higher education provider. The University will also consider paying financial recompense depending on the options the applicant chooses, for example paying evidenced expenses for finding a suitable course at another institution. In doing so, the University will apply the principles identified in section 7 below.

6. Policy on refunds of tuition fees and other relevant costs

- 6.1 In the event that the University is unable to protect the continuation of study for students at the end of an academic year (i.e. a planned mid-programme withdrawal – section 3), then the University will not normally refund any tuition fees previously paid by or on behalf of students (on the basis that the University will ensure continuity through the transfer of credits/research within the University or to an appropriate alternative provider).
- 6.2 In the event that the University is unable to protect the continuation of study for students during the course of an academic year (i.e. an unexpected programme withdrawal – section 4 or where a supervisor leaves the University of Manchester) and unable to offer arrangements at the University or with an appropriate alternative provider to preserve continuity of study, then the University will refund in full tuition fees paid in respect of that academic year. This applies to all categories of students listed below, subject to the conditions set out in 9.1:
- 6.2.1 students in receipt of a tuition fee loan from the Student Loans Company;
- 6.2.2 students who pay their own tuition fees; and
- 6.2.3 students whose tuition fees are paid by a sponsor (depending on the terms and conditions of the sponsor).

7. Policy on payment of compensation

- 7.1 When considering whether it is appropriate to provide financial redress to a student to compensate them for loss they have incurred in circumstances in which the University is no longer able to protect their continuation of study (for example, losses relating to the items identified in paragraph 7.2 below), and the amount of such redress, the University will consider, on a case-by-case basis:
- 7.1.1 the particular circumstances of the matter;
 - 7.1.2 the nature and reasonableness of the loss which the student has incurred and any steps taken to mitigate such loss; and
 - 7.1.3 the context in which the loss arises.
- 7.2 The losses referred to in paragraph 7.1 may include, as relevant, reasonable travel, maintenance and/or tuition fee costs associated with a student's transfer to another programme of study or provider and/or any losses associated with lost time. The University will consider relevant guidance published by the Office for the Independent Adjudicator for Higher Education when considering its approach to the payment of compensation in individual cases.
- 7.3 When applying this policy, the University may require students to provide written evidence in support of any costs or losses they may have incurred.

8. Complaints regarding the University's approach to the provision of refunds and/or compensation

- 8.1 Should a registered student wish to challenge the University's approach to the provision of refunds or other relevant costs and/or compensation under this policy, they may raise a complaint under the formal stage of the University's [Student Complaints Procedure \(Regulation XVIII\)](#). The Student Complaints Procedure outlines the steps which should be taken to raise a complaint and the timescales in which complaints should be raised.
- 8.2 Where more than one student raises such a challenge arising from the same or a similar set of circumstances, then the University may, where appropriate, consider those challenges together.
- 8.3 Offer holders who wish to challenge the University's approach to the provision of refunds or other relevant costs and/or compensation under this policy may raise a complaint via the [Applicant Complaints Procedure](#).

9. Payments made under this policy

- 9.1 Tuition fees will only be refunded to the original payee using the method by which the payment was received. This will apply whether the student is self-funded, sponsored by a third party or is in receipt of a tuition fee loan.
- 9.2 All other compensation payments will be made directly to the registered student or offer holders.

10. General

- 10.1 This policy is linked to the University's Student Protection Plan and forms an important part of the University's Terms and Conditions. It will be reviewed alongside those documents.

11. Supplementary guidance:

- 11.1 This policy was developed with reference to:

- OIA Guidance on Putting Things Right: <https://www.oiahe.org.uk/about-us/reviewing-complaints/what-happens-when-a-student-complains-to-us/putting-things-right/OfS>
Guidance: <https://www.officeforstudents.org.uk/> including:
 - Regulatory advice 3: Registration of English higher education providers with the OfS: <https://www.officeforstudents.org.uk/publications/regulatory-advice-3-registration-of-english-higher-education-providers-with-the-ofs/>
 - Protecting students as consumers:
<https://www.officeforstudents.org.uk/publications/protecting-students-as-consumers/>
- Consumer Rights Act 2015: <https://www.gov.uk/government/publications/consumer-rights-act-2015/consumer-rights-act-2015>
- Higher Education and Research Act 2017: <https://www.legislation.gov.uk/ukpga/2017/29/contents>
- The CMA UK higher education providers – advice on consumer protection law: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1159863/ HE providers - advice on consumer protection law .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1159863/HE_providers_-_advice_on_consumer_protection_law.pdf)

Schedule

Risks to the Continuation of Study for Students

- The University as a whole is no longer able to operate or has decided to cease operating.
- The University has lost the power to award degrees or has lost validation for one or more of its programmes
- The University is, or expects to be, operating with probationary degree awarding powers.
- One or more of the locations at which the University delivers programmes to students is no longer available, particularly if the University is considering closure or significant change to a location.
- The University is no longer able to deliver programmes to students in one or more subject areas and/or departments.
- The University is no longer able to deliver one or more programmes to students, particularly if the University is considering programme closures in the next three years.
- The University is no longer able to deliver material components of one or more programmes, particularly if there are areas of particular vulnerability, such as single person dependencies for teaching.
- The University is no longer able to deliver one or more modes of study to students, particularly if the University is considering withdrawing a mode of study.
- The University is no longer able to recruit or teach a particular type of student, such as international students.

Policy on Refunds and Compensation: Version amendment history		
Version	Date	Reason for change
1.0	April 2019	Creation and approval by Senate
1.1	October 2023	Review and updates in conjunction with TLSIG and the legal team.

Document control box	
Policy/procedure title:	Policy on Refunds and Compensation
Date approved:	October 2023
Implementation date:	April 2019
Version:	1.1
Supersedes:	1.0
Previous review dates:	April 2019
Next review date:	October 2027
Related Statutes, Ordinances, General Regulations	Regulation XVII Student Complaints Procedure
Related Policies:	N/A
Related Procedures and Guidance:	Student Protection Plan
Policy owner:	Head of Student and Academic Services (SAS)
Lead contact:	Teaching and Learning Manager (Policies and Degree Apprenticeships), Teaching and Learning Delivery, Division of SAS

	<i><u>For any queries or questions relating to this document, please direct your email to teaching-policy@manchester.ac.uk</u></i>
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