

**STUDENT PROTECTION
PLAN OPERATING
PROCEDURE**

NB. The document is available on the University of Cumbria Website. It should be noted that any printed copies are uncontrolled and cannot be guaranteed to constitute the current version.

Student Protection Plan Operating Procedure

(including the Refund and Compensation Procedure)

Introduction

This document should be read alongside the [Student Protection Plan](#) which seeks to ensure that the University maintains a student's continuity of study in line with the contract they have entered into with the University.

Where there is a risk that the University is unable to preserve continuity of study on a student's course at the location as set out in their contract, the Student Protection Plan sets out the action the University will take and what students can expect.

The Refund and Compensation Policy and Procedure addresses the refunds or compensation that would be payable if either alternative study or location(s) are not possible or acceptable or there are additional costs associated with the alternative that is accepted. The Refund and Compensation Policy is included within the Student Protection Plan.

Scope

The Student Protection Plan sets out a range of potential scenarios which, if realised, could impact upon continuation of study for students and provides detail of measures that would be considered to mitigate the risk to the continuation of study. The scope is set out in section 1 of the Student Protection Plan.

In line with the scope of the Plan, please note that the Refund and Compensation Policy and Procedure does not address:

- Refunds related to student withdrawals or overpayments. This can be found in the [Student Financial Regulations](#); or
- Complaints about the quality of a student's course or their experience and the potential remedies offered by the University. These should be submitted under the [Student Complaints Policy](#).

This Policy and Procedure does not compromise the right of any student to use the [Student Complaints process](#).

Enactment of the Student Protection Plan

Where the University becomes aware of an event under its Student Protection Plan, as soon as reasonably practicable the University will determine the measures to be proposed to each affected current student to preserve their continuation of study and minimise disruption and/or disadvantage. These measures will be determined by a Student Protection Panel.

Student Protection Panel's role: Determine the measures to be proposed to each affected current student to preserve their continuation of study and minimise disruption and/or disadvantage.

Membership will normally consist of:

- University Secretary (Chair)
- Dean for Student Success
- An Institute Director (from an Institute whose students are affected by the change)

- Representative from the Students' Union
- Up to three members of senior staff (appointed by Vice Chancellor's Executive on the basis of the specific scenario that has enacted the Student Protection Plan)

The time that this takes will depend on the nature of the event, in any case the University will make contact with affected students within two working weeks of the University being aware of the event occurring. However, there may be events that take considerably longer for the University to detail the proposed measures; in this eventuality the University will keep the affected students updated as the work progresses.

The measures proposed to each affected student will be communicated in writing, to their University of Cumbria e-mail address and personal e-mail address held by the University. Students will be given a period of time within which they must confirm their acceptance or otherwise of the measures. They will be required to respond in writing by the deadline communicated to them.

The University will meet the costs of any proposed measures. Dependent upon the circumstances this could include transferring the student(s) to alternative course(s), providing additional course materials, or supporting travel if there is a significant change in location.

Where an alternative offer of study or location:

- a) is not possible; or
- b) is not acceptable for an individual; or
- c) results in additional individual costs, above the alternative offer,

the University will consider the nature and value of the impact on an individual student and any further adjustments, or refunds, compensation or goodwill gesture that may be payable to the student as a result. This will be done in line with the Refund and Compensation Policy, as detailed within the Student Protection Plan, and as set out in the Refund and Compensation Procedure.

Refund and Compensation Procedure

Introduction

As set out in the Refund and Compensation Policy included within the [Student Protection Plan](#), the University recognises that there may be situations in which the measures we seek to take to preserve students' continuity of study may not be successful; it is in such situations that the Refunds and Compensation Policy and Procedure may be invoked. The University will make every effort to manage the processes of negotiation and consideration of individual circumstances in ways which are transparent, reasonable, evidence-based and proportionate. The University's policy is to consider making refunds and paying compensation as determined to be appropriate for each individual situation.

The sector definitions of refund and compensation have been adopted by the University:

A refund relates to the repayment of sums paid by a student to the University or an appropriate reduction in the amount of sums owed in future by the student to the University. This could include tuition fees, other course costs, or accommodation costs.

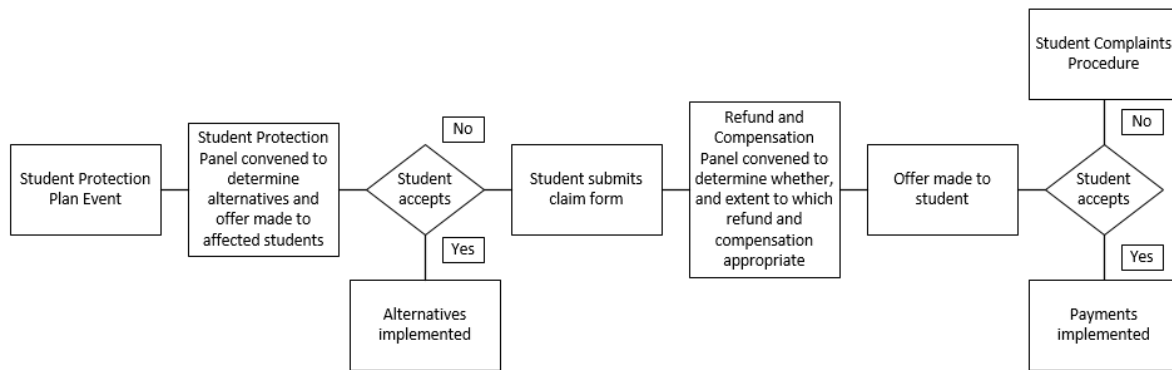
Compensation relates to some other recognisable loss suffered by the student. This normally falls into two categories, either: (a) recompensing the student for out of pocket expenses they have incurred, which were paid to someone other than the University (such as travel costs) or (b) an amount to

recompense for material disadvantage to the student arising from a failure by the University to discharge its duties appropriately.

Students may not make a group application through the Refunds and Compensation Procedure as individual circumstances will differ, however the outcomes for students will be agreed on a consistent basis.

Any student who has reached the end of the procedures and remains dissatisfied with the offer made may take their concerns through the [Student Complaints process](#).

Diagrammatic representation of the process:



Procedure

Where the alternative(s) offered under the Student Protection Plan are not accepted by a student due to their individual circumstances, if the student then wishes to pursue a claim for a refund and / or compensation they will need to make a claim within 15 working days of communicating their non-acceptance of the offer to the University.

Students should make a claim by completing and submitting a [claim form](#). This must include all relevant information and appropriate supporting documentation, with reasons as to why the alternative is not appropriate for their individual circumstances. The information must be sufficient to allow the University to determine whether a refund or compensation amount is payable, and if it is determined that it is, to calculate the amount. No compensation will be payable for hypothetical or speculative financial loss. Students will be able to access support to complete the claim form from the UCSU or from Programme Administration desks at each of the University’s campuses.

Forms and relevant documentation should be returned to the University Secretary at the address on the claim form.

Panel Review

Decisions on refunds and compensation will be made by the Refunds and Compensation Panel. The Panel will be convened whenever the University has implemented its Student Protection Plan and will consider possible refunds or compensation that should be offered due to this eventuality. Individual students will not normally be invited to attend the Panel meeting, however they may be called to do so in some situations – where this is the case the student can be accompanied by a member of the student body.

Refunds and Compensation Panel’s role: will consider possible refunds or compensation that should be offered due to this eventuality, including in response to claims submitted by students.

Membership will normally consist of:

- Pro-Vice Chancellor (Chair) (appointed by Vice Chancellor's Executive on the basis of the specific scenario that has enacted the Student Protection Plan)
- Dean for Student Success
- Deputy Director of Finance
- An Institute Director (from an Institute not impacted by the change / or not a member of the Panel which considered the mitigating measures in relation the scenario for which the claim relates)
- Director of Student and Staff Services
- Representative from the Students' Union

Panel Decisions

The Panel will consider the circumstances and details of the claim(s) and determine whether an additional adjustment(s) or refund(s), compensation, goodwill payment(s), or a combination should be payable or not. The Panel will review each case on its merits and in a fair way, with regard to consistency between cases but without resorting to set formulae. The Panel will refer to any current national guidance from the OfS, UUK, QAA, OIA or other relevant bodies.

The Panel will consider the impact on the student, and the level of the University's accountability for this in all cases. The University will also remain mindful of its charitable status and the need to use University funds for its charitable purposes.

Students will receive a written response which explains the Panel's decision within 28 days of a claim being submitted. The individual then has 14 days to inform the University, in writing, of their decision as to whether to accept the offer. Any financial payments or adjustments to liabilities or future fees will be actioned within 14 days of the offer being accepted. If these timescales are likely not to be met, the reasons for this will be communicated to the student(s) promptly with a revised timescale.

Receiving Refunds or Compensation

If the Panel determines that refunds, compensation or a goodwill gesture is / are payable, this will be made in one of the following ways:

- *Refunds of tuition fees paid by the Student Loan Company (SLC):* Fees will be refunded directly to the SLC by the University. This applies also to payments received from the equivalent funders in Scotland, Wales, the Isle of Man and the Channel Islands.
- *Refunds of tuition fees or accommodation paid by a sponsor (including a relative):* Fees will be refunded directly to the organisation, or individual, by the University.
- *Refunds of tuition fees or accommodation fees paid by a student:* Fees will be refunded to the payment source, for example, to the originating credit or debit card or a bank account. Where this is not possible, alternative arrangements will be agreed with the student. Refunds will not be made in cash.
- *Reduction in outstanding debt:* The financial remedy offered by the University may result in a reduction of the tuition or accommodation fees that were chargeable for the year but which

have not yet been paid. In this case, the outstanding debt amount will be reduced via a credit note and this will be communicated to the student.

- *Reduction of future fees payable:* Fee levels will be reduced, and the lower amount will be billed when the fee becomes due at a future date.
- *Payments of compensation or goodwill gesture:* These will be made via a bank transfer to the student. In some cases, where, for example, compensation relates to more than one academic year, payments may be made in instalments. The timing of payments will be confirmed within the written response from the Panel.

Complaints

If a student is not satisfied with the decision of the Panel, a complaint may be made under the University's [Student Complaints Procedure](#) and thereafter a student has recourse to the [Office of the Independent Adjudicator for Higher Education](#).