



KENSINGTON COLLEGE OF BUSINESS

REFUND AND COMPENSATION POLICY

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1. POLICY SCOPE

This policy sets out the terms of refunds or compensation that the College will consider paying to students who would be eligible for a refund/compensation in the circumstances described below. This policy covers all categories of students of the College.

Although all refunds/compensation payments are at the discretion of the College, the aim of this policy is to provide guidance on how fee refunds/compensation payments are calculated and paid by the College. This policy relates to payments received directly from any current/former student or sponsor or from the student loans company in relation to tuition fees. In all cases, any other debt owing to the College will be subtracted from any refund due/compensation payable.

The policy will be reviewed on an annual basis.

2. AT THE APPLICATION OR ENROLMENT STAGE

A full refund of fees paid can be given in the following circumstances:

2.1 Where the College is unable to provide the academic course initially offered

2.1.1 Evidence required

- The letter from the College confirming withdrawal of the offer of a place on the programme on which the student was offered a place and;
- A letter from the student confirming they do not wish to accept the offer of an alternative course at the College and so wish to withdraw their application;
- Submission of a completed withdrawal form;
- Submission of a Refund request form.

2.1.2 Exceptions

None

2.2 Where the College withdraws an offer of enrolment, before the start of the course, for any reason

2.2.1 Evidence required

- A letter from the College confirming withdrawal of the offer of a place on the programme to which the student applied;
- Submission of a completed Withdrawal form;
- Submission of a Refund request form.

2.2.2 Exceptions

Where the student has provided us with incomplete or incorrect information.

2.3 Statutory rights: New students have a statutory right to cancel their contract (enrolment) with the College and withdraw from their course within 14 calendar days of the completion of that contract (enrolment). Withdrawal within this period will not incur any fees and so any fees already paid will be refunded in full

2.3.1 Evidence required

A letter dated no more than 14 days after the student was enrolled from the student confirming they wish to withdraw from the programme on to which they have been enrolled.

- Submission of a completed Withdrawal form
- Submission of a Refund request form

2.3.2 Exceptions

None

2.4 Consideration for a fee refund may, on a case by case basis, be given to students who have withdrawn/suspended due to exceptional circumstances (which do not include academic or financial reasons). This must be approved by both the Registrar and the Board of Governors.

2.4.1 Evidence required

In this case, the student must submit the College refund request form together with a supporting letter setting out the reasons why the student is requesting a refund.

This letter must be accompanied by any evidence the student can provide that will support the reasons given in the letter.

- Submission of a completed Withdrawal form
- Submission of a Refund request form

2.4.2 Exceptions

Not applicable as a fee refund is at the discretion of the Board of Governors.

2.5 Where an international [non-UK/EU] student is refused a Tier 4 visa which they need to have in order to come to study in the UK

2.5.1 Evidence required

Where a student is requesting a refund on the basis of visa refusal, a full submission of relevant documentation must be submitted within five working days of receipt of the document) and this is especially important where a student is going to cancel their admission or withdraw from the College, having had their visa refused. A student must submit the Refusal letter as soon as possible or they risk becoming ineligible for the refund on the basis of the disciplinary offence of failing to keep the College informed about their visa status.

Where an International student pursues their right of appeal / administrative review / judicial review the College still expects to be informed about the visa refusal as soon as it has been received and to be informed about the outcome of the appeal/review within a similar time-frame of that subsequent decision.

The College requires all relevant documentation regarding a visa refusal to be sent to KCB to ensure that we are able to meet our compliance requirements. We will also make a judgement which takes into account the basis of the visa refusal.

2.5.2 Exceptions

Cases where visa applications are refused, or existing visas are curtailed under the general grounds for refusal of entry clearance or leave to remain in the UK, or where a student has provided incomplete information to the College, will not be eligible to receive a refund (except in the most exceptional of circumstances, at the discretion of the Board of Governors).

A full list of the general grounds of refusal can be found on the UKVI website.

A further exception to the approval of refunds on the basis of visa refusal include (but are not limited to):

Undisclosed immigration history. This will include any previous time spent in the UK, study in the UK, previous UK visas, visa refusals, and immigration offences.

Please note that while this includes immigration matters which lead automatically to visa refusal under the general grounds of the Immigration Rules, it also includes cases where the student wilfully or negligently failed to provide all information regarding previous study in the UK, resulting in the College not having been able to make a correct judgement on an applicant's eligibility for sponsorship, including (but not limited to):

- i. where a new course of study will take a student over the time-limit as a Tier 4 (General) student in the UK, or
- ii. where the College is unable to properly assess and/or provide an accurate statement of 'academic progression' (which requires the College to have knowledge of the relation between previous study in the UK and the new course being offered- full details can be found on the UKVI website);
- iii. also with reference to any new Policy Guidance published by the UKVI, even when enacted subsequent to the student's application.

3. WHEN A STUDENT HAS ALREADY STARTED A COURSE which is then discontinued, a fee refund or compensation can be paid in the circumstances set out in the Student Protection Plan.

3.1.1 Programme discontinuation resulting in the student transferring to an alternative programme at this College

Where a programme is discontinued and students transfer to an alternative programme of study at this College with tuition fees different from the original course, the College will charge students the lower of the two fees for their continuing studies inclusive of any bursary that has been awarded. Where the fees of the new programme are less than those of the discontinued programme, the College will refund or adjust future fees already paid. If a student is transferring to an alternative programme at this College following discontinuation of their original programme but suffers a disrupted year as a result (i.e. not able to complete that year's programme of study due to discontinuation of provision and that year of study will not count towards completion of the new degree), any tuition fees already paid for the affected year will be refunded.

3.1.2 Programme discontinuation resulting in the student transferring to an alternative programme at this College with a change of location

Where a programme is discontinued and students accept an alternative programme of study at the College which is delivered at a location substantially removed/distant from the

location of the original course, the College will provide students with adequate compensation in respect of additional travel costs that are incurred as a result of transferring programme.

3.1.3 Programme discontinuation resulting in the student transferring to an alternative programme at another UK college or university

Where a programme is discontinued and students transfer to an alternative programme of study at another college or university, the College will utilise student transfer arrangements to enable a transfer to the new University. Where the transfer involves students receiving 'credit' at the receiving university, through an approved prior learning mechanism for study undertaken at this College, no refund will be offered in relation to the elements of study which count towards that credit. Refunds of tuition fees incurred at this College will be provided in respect of elements of study which do not receive credit for future study at a receiving College or University.

Where the transfer to another College or University involves a disrupted semester or year of study that does not count towards the new degree, the College will refund the tuition fees for the disrupted period of study.

3.1.4 Programme discontinuation resulting in student withdrawal

If the College will not be able to "teach out" current students on a discontinued programme of study, students (or their sponsor or the Student Loans Company) will be offered a refund of any fee payments made towards that programme of study in the year of the discontinuation, when the student is required to withdraw from the College as a result of the programme discontinuation. The refund of fees will only apply to tuition fee costs incurred in the year in which the academic programme ceases to be offered.

3.2 Maintenance costs

Where a student has to withdraw from the College due to discontinuation of provision without being able to complete the year of study, consideration will also be given to providing compensation of maintenance costs incurred in the year of the withdrawal. Eligible maintenance costs would include travel costs, the cost of academic materials, accommodation and catering costs. The maximum refundable amount for maintenance costs will be aligned with the maximum maintenance loan available from the Student Loans Company in the year of the student withdrawal (currently £11,672 for 2019/20). Students would be asked to provide evidence of expenditure. The amount of compensation payable would be determined on a case by case basis taking into account the duration of study completed in that year and the circumstances of each student.

4. TIME LIMITS FOR REQUESTING A REFUND/COMPENSATION

The College hereby sets out the time-limits on submitting a valid refund request.

If a student does not apply for a refund within 3 months [14 days for statutory refund requests] from withdrawal/cancellation, no refund will be given and the amount to be refunded will be written off. Sums under £50 will automatically be written off.

4.1 Visa Refusals

The visa refusal letter must be submitted within five working days of the student receiving the refusal notice or the student shall be in breach of the Terms and Conditions and shall thereby be considered ineligible for a refund.

Please note that the stated time-limits to make a **refund request within 3 months** below do not imply that a student may wait 90 days, before submitting the visa refusal letter to the College.

For a new applicant:

In addition to requiring an applicant to submit the visa refusal letter within five days of receipt, the College requires any requests for a refund to be made within a time limit of **3 months** to the College.

A continuing student

A continuing student who receives a visa refusal decision when applying for leave to remain to complete their course of study (irrespective of whether the application is from inside or outside of the UK) will also be eligible to apply for a refund. For such a request to be considered, the student must have:

- Remained within the terms and conditions of the College - with particular reference to prompt submission of relevant documentation;
- Confirmed their withdrawal to the College Compliance Department, completing all necessary Withdrawal and Refund request forms;
- Submitted the Visa Refusal letter within five working days of receipt;
- Submitted the formal request for a refund within **3 months** of the visa refusal or exhaustion of rights of appeal/review, where appropriate (with full documentation submitted);
- In such cases, the student's profile will be reviewed by College management who shall have the right to charge full fees (as stated in the application form at the time of application) for the parts of the course already studied (in-line with the fee-scale; not including package fee discounts).

Where an applicant will not be in a position to make a refund request within the relevant time-frame, an extension may be granted, at the discretion of the Board of Governors (if, for example, an applicant has received a visa refusal and is awaiting the outcome of a Judicial Review which may take them past the deadline, the applicant will be granted an extension on their refund request deadline on submission of all relevant documentation relating to the Judicial Review). The refund request will be judged on its merits, but will also take into account justification of failure to apply for the refund within the specified time limits and may be rejected solely on this basis.

4.2 Withdrawal from or Discontinuation of the Course at the College for any reason other than a visa refusal

Any requests for a refund must be made to the College, within a time limit of **3 months** except in the case of the statutory cooling off period when the maximum time allowed is 14 days.

5 NO REFUND OF FEES PAID OR COMPENSATION will be given if

5.1 The student is expelled from the College

- In the event that a student's studies have been terminated by the College for academic, financial or disciplinary reasons, a student will be liable to pay full fees for each term that they have commenced.

Please also note that the College will reserve the right to expel students, therefore without giving recourse to a refund, where we find:

- Evidence that documentation used in an application was false- irrespective of whether it leads to visa refusal or withdrawal of sponsorship/SLC support. In such cases, the student will be expelled and the matter reported to the UKVI/SLC/Sponsor.

Undisclosed criminal convictions and / or custodial sentences received (before starting the course or during the course) while a student, irrespective of whether or not this leads UKVI to curtail the existing visa and place the student under a deportation order or withdrawal of sponsorship/SLC support. The College shall also reserve the right to enact disciplinary action upon any student who has a visa refused or sponsorship/SLC support withdrawn due to an offence (such as submission of false documents which were also provided to the College for admission). In such cases, the College shall reserve the right to forfeit fees only.

5.2 For ICSA Courses

Fees paid for ICSA courses are non-refundable, except where the College exercises its right to cancel the course due to insufficient enrolments.

Registration with ICSA and for the examinations is the sole responsibility of the student and the College will not accept refund requests if a student applies for ICSA tuition at KCB, but is subsequently unable to register with ICSA.

6. REPAYMENT RULES AND PROCESSES

This policy covers all students of the College. It covers:

- i. students in receipt of a tuition fee loan from the Student Loans Company;
- ii. students who pay their own tuition fees; and
- iii. 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), except where express approval is given to make payment to a third party. In such cases the signature of the fee payer authorising the arrangement will be required.

Where a student's account is in credit as a result of a fee adjustment or overpayment, the College may request that the credit balance is carried forward into the following academic year instead of refunding it.

For students who are not in the UK or have received a visa refusal, the College would expect to make repayment to an overseas account. Where a student is due to leave the UK

and was previously under sponsorship from KCB, the College reserves the right to hold repayment of the refund until evidence that the student has left the UK has been submitted (typically an immigration exit stamp).

All refunds will be calculated in UK Sterling. The College will not refund any shortfalls due to exchange rate fluctuations, or offer compensation for any transaction charges incurred.

Decisions on refund requests are made by the Board of Governors who may need to confer outside the scheduled meeting calendar, and, as such, students should allow around 14 working days for refund applications to be considered.