



# **Refund and Compensation Policy**

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### Related Policies and Documents

- Student Protection Plan (C3.1)
- Complaints Handling Policy (C1.4)
- Admissions Policy (C1.2)
- Risk Management Policy (E1E2.10)
- OfS Regulatory Framework and Guidance (Condition C3)
- Competition and Markets Authority (CMA) Guidance
- Consumer Rights Act 2015

### Version History

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## **Refund and Compensation Policy**

### **Section 1: Policy Summary**

1. This Refund and Compensation Policy sets out the circumstances in which Mortha Halls of Ivy (MHI) will provide financial redress to students in the event that their studies are disrupted in a manner that impacts their ability to complete or continue their programme as originally planned.
2. The policy explains the processes for awarding refunds (usually of tuition fees) and compensation (additional payments for material disadvantage) and outlines the evidence, timeframes, and decision-making procedures involved.
3. It is designed to protect students' interests in accordance with:
  - Condition C3 of the Office for Students (OfS) regulatory framework;
  - The Consumer Rights Act 2015;
  - CMA guidance on student contracts and fairness in the provision of higher education services;
  - The OIA Good Practice Framework on student complaints and academic disruption.
4. This policy complements the College's Student Protection Plan (C3.1) and is part of a wider framework of quality assurance, student rights, and institutional risk planning. MHI's approach reflects its commitment to transparency, fairness, and continuity of study for all enrolled students.

## **Section 2: About This Policy**

5. This policy sets out how Mortha Halls of Ivy (MHI) handles student refunds and compensation in the event of disruption to the delivery of higher education programmes. It explains the circumstances under which financial redress may be offered, the procedures for making a claim, and the principles MHI applies when determining eligibility.
6. Refunds and compensation are distinct:
  - A refund typically refers to the partial or full repayment of tuition fees or other charges paid by a student.
  - Compensation refers to additional financial support to address material disadvantage caused by disruption, including costs incurred (e.g. travel, relocation, or lost time).
7. This policy is:
  - Designed to safeguard students' interests where continuation of study is compromised;
  - Linked to the College's Student Protection Plan (C3.1) and overall institutional risk and continuity framework;
  - A mechanism for delivering financial redress in a fair, proportionate, and transparent manner.
8. The policy applies to all higher education students enrolled at MHI and is relevant in cases where:
  - A course, module, or campus is withdrawn or altered;
  - The College is unable to deliver learning as agreed;
  - Teach-out or transfer arrangements are not possible or fail to meet a student's expectations.
9. The policy also outlines how MHI ensures financial resilience to meet these obligations, through planning, budgeting, and review by the Governing Council.

### **Section 3: Scope and Application**

10. This policy applies to:
  - All students enrolled on higher education programmes delivered directly by Mortha Halls of Ivy (MHI), whether validated or awarded by external bodies.
  - All modes and levels of study, including full-time, part-time, blended, foundation, undergraduate, and any future postgraduate provision.
  - All teaching locations, learning centres, or delivery arrangements where MHI is responsible for the contractual and academic delivery of the student experience.
11. This policy applies in any situation where a student has:
  - Paid tuition fees or related charges directly to MHI; and
  - Experienced disruption to their studies that may result in financial loss, disadvantage, or inability to complete their programme as originally planned.
12. It does not apply in cases where:
  - A student voluntarily withdraws or transfers from a programme for personal reasons;
  - Disruption is due to force majeure events for which mitigation and continuity arrangements have been reasonably offered;
  - The financial loss is not material or cannot be evidenced.
13. This policy should be read alongside:
  - The Student Protection Plan (C3.1);
  - The Complaints Handling Policy (C1.4);
  - MHI's published Terms and Conditions and Admissions Policy (C1.2).
14. In cases where refunds or compensation are sought, students are expected to engage with MHI's published procedures and to provide any required supporting information in a timely manner.

## **Part 1: Regulatory and Financial Compliance Framework**

### **Section 4: Regulatory Duties and Financial Accountability**

15. Mortha Halls of Ivy (MHI) is committed to meeting the requirements of the Office for Students (OfS) under Condition C3: Student Protection, which requires all registered providers to have credible arrangements to protect students' continuation of study. In cases where risks materialise and mitigation is not fully possible, the institution must provide proportionate redress, including financial remedies.

16. This policy is informed by the following legal and regulatory principles:

- OfS Condition C3 – Providers must outline how students will be supported and, if needed, compensated.
- Consumer Rights Act 2015 – Establishes students as consumers with enforceable rights over services provided.
- CMA Guidance – Reinforces fairness, transparency, and clarity of rights in educational contracts.
- OIA Good Practice Framework – Provides a model for financial redress in cases of disruption.
- The Higher Education and Research Act 2017 – Confirms the public interest duty of registered providers to protect students.

17. The policy also reflects MHI's governance and financial planning responsibilities:

- The Governing Council reviews this policy annually.
- Financial contingency planning includes specific provision for refund and compensation scenarios.
- Oversight is shared across the Finance Department, Academic Registry, and the Risk Management Committee.

18. Together, these measures ensure that MHI is not only compliant, but also prepared and accountable in fulfilling its obligations to students.

19. Mortha Halls of Ivy (MHI) is committed to meeting the requirements of the Office for Students (OfS) under Condition C3: Student Protection, which states that registered providers must maintain credible arrangements to protect students' continuity of study.

20. In circumstances where the College is unable to prevent or fully mitigate disruption, financial redress may be required to ensure fairness and to avoid material disadvantage to students.

21. This policy is informed by the following legal and regulatory principles:

- Condition C3 of the OfS Regulatory Framework – requiring providers to demonstrate credible mechanisms for protecting students, including the use of refunds and compensation where appropriate.
- The Consumer Rights Act 2015 – establishing students as consumers with clear contractual rights in relation to the delivery of services by a provider.
- Competition and Markets Authority (CMA) Guidance – outlining providers'



responsibilities to treat students fairly and to provide redress when services are not delivered as promised.

- Office of the Independent Adjudicator (OIA) Good Practice Framework – including expectations on student complaints, disruption, and reasonable financial remedies.
- The Higher Education and Research Act 2017 (HERA) – affirming the duty of care owed by higher education providers to enrolled students.

22. The Refund and Compensation Policy is part of a broader framework of institutional governance, financial planning, and quality assurance. Its design ensures that:

- Students have clear, accessible routes to claim financial redress when eligible;
- Claims are handled consistently, transparently, and within reasonable timeframes;
- The College's approach is proportionate and responsive to different levels of disruption;
- Adequate financial resources are allocated to meet obligations under this policy.

23. Oversight of this policy rests with the Governing Council, which reviews its application and financial sustainability on an annual basis.



## **Part 2: Operational Framework**

### **Section 5: Eligibility and Triggers for Refunds and Compensation**

24. This section outlines the circumstances in which students may be eligible for a refund or compensation, based on the impact of disruption to their studies, and the types of events that may trigger such claims.

25. This policy applies to all current and recently withdrawn higher education students at Mortha Halls of Ivy (MHI) who have paid tuition fees or associated costs directly to the College and who have experienced disruption that materially affects their ability to continue or complete their programme as originally planned. It also applies to applicants in specific cases where a contractual agreement has been entered into and MHI is no longer able to honour it.

26. Disruption that may trigger a refund or compensation includes:

- The closure of a course, campus, or delivery location without sufficient notice or mitigation;
- Disruption to teaching or assessment that is not resolved within a reasonable timeframe;
- The loss of a validation or awarding arrangement after students have enrolled;
- The failure to deliver services or facilities that were advertised as integral to the student experience;
- Administrative errors by the institution that result in student disadvantage.

27. Disruption will not normally be eligible for compensation if:

- The student voluntarily withdraws or transfers for personal or employment reasons;
- The College offers a reasonable alternative (such as a teach-out or transfer) which the student chooses not to accept;
- Short-term disruption has been adequately mitigated through rescheduling or alternative provision;
- The complaint concerns dissatisfaction with teaching style, content, or outcomes that were accurately described at the time of admission.

28. For a claim to be considered, there must be evidence of material disadvantage—such as unrecoverable costs, significant delay in progression, or loss of learning opportunities. Each case will be considered on its own merits, and outcomes will reflect the severity of disruption and the extent to which the College has provided appropriate mitigation.

**29. For further information on eligibility and how claims are assessed, students should refer to the Guidance Notes for Refund and Compensation Claims (Annex B6).**

## **Section 6: Refund Process and Timeframes**

30. Students who believe they are entitled to a refund or compensation as a result of disruption to their studies are encouraged to contact the Academic Registry in the first instance to discuss their situation and receive guidance on how to proceed.

31. Claims must be submitted using the official Refund or Compensation Request Form (Annex B1), available on the College website or upon request from Student Services. All claims should be supported by relevant documentation, such as evidence of disruption, receipts for incurred costs, or communication records. The form must be submitted within 30 days of the disruption or within 30 days of a teach-out or transfer option being confirmed as unviable.

32. Upon receipt of a completed request form, the College will acknowledge the submission within five working days and will aim to complete an initial review within 20 working days. Complex cases, such as those involving multiple programmes or awarding bodies, may require further time, and students will be kept informed of any extended timelines.

33. All claims are reviewed by a designated panel led by the Academic Registrar and the Finance Director, with oversight from the Governance Office. Decisions are based on the evidence provided, the nature and severity of the disruption, and the effectiveness of any mitigation offered.

34. Where a claim is approved, the refund or compensation will be issued within 14 working days from the date of the decision. Payments will be made via the same method used for fee payments, unless otherwise agreed.

35. If a claim is rejected, the student will be provided with written reasons and may appeal the decision under the College's Complaints Handling Policy (C1.4). Guidance on how to appeal will be provided as part of the outcome letter.

36. All records of refund or compensation claims are securely retained and monitored to ensure fair and consistent application of the policy.

**37. Students must submit their claim using the official Refund or Compensation Request Form (Annex B4), available on the College website or from Student Services.**

## **Section 7: Exceptional and Non-Exceptional Circumstances**

38. Mortha Halls of Ivy (MHI) recognises that not all student experiences of disruption are the same. This section distinguishes between non-exceptional circumstances, which are addressed through standard policy processes, and exceptional circumstances, which may warrant discretionary or enhanced responses.

39. In most cases, students will receive appropriate academic and financial support through the College's existing continuity measures — including teach-out plans, access to alternative provision, or re-assessment opportunities. These are considered non-exceptional circumstances, even where they may cause inconvenience or short-term disruption. Refunds or compensation in such cases will only be considered if there is clear evidence of material disadvantage and inadequate mitigation.

40. Exceptional circumstances are those where disruption is so significant that the student is unable to continue or complete their studies, and where no suitable alternatives can be offered. This may include sudden course closure without teach-out, prolonged institutional closure, or breakdown in validation arrangements with no viable transition options. Exceptional circumstances may also apply where a student incurs substantial financial loss through no fault of their own, despite acting reasonably and in good faith.

41. Where exceptional circumstances are identified, MHI may:

- Offer enhanced compensation above the standard thresholds;
- Provide bespoke financial or academic support;
- Arrange for priority transfers or access to independent advice and guidance.

42. Each case is reviewed individually, and the level of response is determined by the extent of the impact, the effectiveness of any mitigation offered, and the student's individual needs or vulnerabilities.

43. This approach ensures that the policy is applied proportionately and fairly while allowing for flexibility in serious or unforeseen situations.

## **Section 8: Appeals and Complaints**

44. Students who are dissatisfied with the outcome of a refund or compensation decision have the right to request a review through the College's internal procedures. MHI is committed to ensuring that all decisions are fair, transparent, and based on clear evidence, but also recognises that there may be circumstances in which students feel their case was not properly considered.

45. If a student believes that their refund or compensation claim has been incorrectly assessed or unfairly rejected, they should first request a written explanation of the decision. This explanation will outline the basis on which the claim was evaluated and the reasons for the outcome. Students are encouraged to raise any concerns informally with the Academic Registry at this stage.

46. If the matter cannot be resolved informally, the student may submit a formal complaint under the Complaints Handling Policy (C1.4), clearly stating the grounds for their appeal. This may include new evidence, concerns about the decision-making process, or a belief that the policy has not been applied correctly.

47. All complaints must be submitted within 20 working days of receiving the outcome of the original refund or compensation decision. They will be reviewed by an independent panel not involved in the original decision, and a written outcome will be issued within 20 working days.

48. If the student remains dissatisfied after completing the internal complaints process, they may escalate the matter to the Office of the Independent Adjudicator (OIA), provided the complaint is eligible under OIA rules.

49. Information about this external route, including how to submit a complaint to the OIA, will be provided as part of the College's final response letter.

50. This approach ensures that students have access to clear, fair, and escalating routes for appeal, in line with good practice and sector expectations.

**51. Formal appeals must be submitted using the Refund and Compensation Appeals Form (Annex B5), within 20 working days of the outcome.**



## **Section 9: Governance and Review**

52. The Refund and Compensation Policy is subject to formal oversight by the Governing Council of Mortha Halls of Ivy, which has ultimate responsibility for ensuring that the College meets its obligations to students under the OfS Regulatory Framework and wider consumer protection law.

53. The policy is reviewed annually as part of the institution's compliance and policy review cycle, alongside the Student Protection Plan (C3.1) and related documents. The review ensures that the policy continues to reflect current regulatory expectations, legal developments, student needs, and institutional practices.

54. Oversight responsibilities include:

- Monitoring the frequency, nature, and outcome of refund and compensation claims;
- Reviewing financial planning and contingency measures to ensure sufficient funds are allocated for potential liabilities;
- Considering feedback from students and external advisers to ensure the policy is fair, accessible, and proportionate.

55. The day-to-day implementation of this policy is coordinated by the Finance Director, in consultation with the Academic Registrar and the Governance Lead. Operational procedures are documented and updated to reflect learning from individual cases and sector-wide developments.

56. This policy is published on the MHI website and made available to all students through enrolment materials, course handbooks, and the student portal. It is also referenced in any communication concerning disruption to a student's studies or institutional changes that may impact the continuation of study.

57. Archived versions of the policy are maintained by the Governance Office and may be shared on request to ensure transparency.