

Refunds Policy
Version 0.4 DRAFT

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| Quality Assurance Benchmarking | | |
| This policy and procedure maps to the following external quality assurance frameworks: | | |
| Consumer Protection from Unfair Trading Regulations (2008); | | |
| Consumer Contracts (Information, Cancellation and Additional Charges) Regulations (2013); | | |
| Consumer Rights Act (2015); | | |
| Data Protection Act (2018); | | |
| Document History | | |
| Originated by: A. Ghafar; PM Technical Writer | Date: November 2017 | Circulation: |
| Reviewed by: S. Tilloyev; Refunds Manager N. Cardy; PM, IAP | Date: | |
| Approved by: TBC | Date of next review: Jan 2017 | |

1. Introduction

- 1.1. The London College of Contemporary Arts (LCCA) or (the College) strives to process refunds in a manner that is fair, reasonable, transparent, timely and applied with consistency. The key service standards and timeframes outlined in this policy will be clearly explained to prospective students by the College's recruiters, agents, representatives or partners during pre-course counselling.
- 1.2. This policy has been compiled in accordance with guidance provided by the *Competition and Markets Authority (CMA)*¹; LCCA will ensure that all recruiters and agents representing the College, as well as staff handling refunds applications, will be made aware of this policy, as well as their duties under the *Consumer Protection from Unfair Trading Regulations (2008)* and the and the *Consumer Contracts (Information, Cancellation and Additional Charges) Regulations (2013)*.
- 1.3. Applicants to the College will be required to indicate that they have read and understood the terms and conditions outlining their rights to cancellation and eligibility for a refund prior to their submission of an application to study.
- 1.4. If for any reason a refund cannot be processed in the timeframes outlined in this document, the applicant will be promptly advised of the reasons and expected revised timeframes, as well as any action they may need to take to progress the refund (such as the provision of supporting evidence or payment details).

2. Scope

- 2.1. The Refunds Policy is applicable to all categories and levels of UK/EU students that have made a payment to the College, whether they be applying for / studying on campus based or online programmes and regardless programme's awarding body. It should be read in conjunction with the College's published Terms and Conditions, as defined here: <http://www.lcca.org.uk/terms-and-conditions/>, as well any conditional or unconditional offer letter issued by the College.
- 2.2. It should be noted that the Refunds Policy and the timeframes indicated within it are distinct from the College's *Complaints Policy and Procedures*, for which separate guidance can be found in the Student Handbook or on request from the student administration; it is understood that a refund may be the desired outcome of a complaint and in such circumstances the service standards given in this document will apply unless the applicant is advised otherwise by staff handling the refund application.
- 2.3. This Policy is applicable only to self-funded students and does not cover the repayment of any tuition fees paid to the College on a student's behalf by the Student Loans Company, for which separate procedures are in place.

3. Making a Refund Application

¹ UK Higher Education Providers – Advice on Consumer Protection Law; CMA 2015

- 3.1. Those wishing to make a refund should do so by accessing the online portal here: <http://refunds.lcca.org.uk/> and following the on-screen instructions; additional information will be posted here regarding an applicant's eligibility for a refund in addition to practical guidance on completing an application.
- 3.2. In most cases applicants will be required to provide evidence supporting their application; where an applicant is unsure of what to provide they can request clarification from the Refunds Team by contacting them directly at RefundsTeam@lcca.org.uk
- 3.3. Once submitted all applications will be subject to a processing time of 30 days; applicants will receive an automated acknowledgment of successful submission, followed by direct contact from a member of the Refunds Team no later than 7 days after submission. At this time they will be advised of any additional evidence or information required to process their refund.
- 3.4. After 45 days the applicant will be advised of the outcome of their refund, where one of the following will apply: a full refund is approved; a partial refund is approved; no refund can be approved. The rationale behind the decision will be provided to the applicant by the Refunds Officer managing the case.
- 3.5. Approved refunds will be strictly paid to the account from which the original payment was provided; if the original payment details are no longer valid owing to expiry of a card or closure of a bank account then the payment will not proceed until the new payment details are provided to the Refunds Team. Evidence of payment and a copy bank statement will be required to verify details, where this is the case. This is to comply with money laundering regulations and no exceptions can be made.
- 3.6. Depending on the reason for requesting the refund a discretionary processing charge of £150 may be deducted from the approved refund amount. The applicant will be notified in the event such a charge has been applied and of the reason that it has been.
- 3.7. At the discretion of the Refunds Committee, a goodwill gesture may be made in place of a refund. Such gestures may include (but not be limited to) the opportunity to defer a course start date, alternative (e.g. online) study conditions, or free or discounted access to other courses the College provides (pending eligibility). Additionally, in cases where the applicant has been recommended by an agent, credit may be transferred to another applicant.
- 3.8. LCCA is not to be expected to preserve the above service standards where any request for information from the refund applicant remains outstanding. Reminders will be sent by members of the Refunds Team but it is the applicant's responsibility to ensure that all information required to process the refund is present.

4. Eligibility for a Refund

4.1. The College's admissions process is subject to the *Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013*; once a student has accepted the offer of a place on an LCCA they have the right to cancel acceptance by informing the College in writing within 14 calendar days after completing the online or manual registration process or 14 calendar days from the official course start date, whichever is later. Cancellation within this period will entitle the student to be refunded any deposit/fees paid.

4.2. All applications for a refund will be considered in line with the College's aforementioned [Terms and Conditions](#). Staff responsible for pre-course counselling will ensure that applicants are made fully aware of all liabilities and deadlines prior to making a deposit payment or payment in full to reserve a place on one of LCCA's study programmes.

4.3. Whilst refunds terms and conditions may vary between programmes, the following will be applicable in all cases:

4.4. In the event of programme cancellation:

Where a programme is subject to cancellation, applicants will first be offered alternative study arrangements as the College deems practical or appropriate (as outlined in 3.8). If this offer is declined the applicant will receive a full refund of any payments made without delay. In this event the standard processing fee will not apply.

4.5. In the event of a delayed start or substantial changes to the programme:

The College reserves the right to make changes to the start date and content of a programme, and will give applicants reasonable notice in the event such changes are made. Where a refund is requested owing to such a change outside of the normal cancellation window, the applicant will be required to demonstrate how the programme is no longer suitable for them. In such instances a discretionary decision will be made by the Refunds Committee taking into consideration the nature of the changes and the substance of the application.

4.6. In the event of adverse personal circumstances or medical complications:

Where applicants are unable to engage with their programme for personal or medical reasons, the College will first try to accommodate their continued study by exploring alternative study arrangements and making reasonable adjustments. If the applicant wishes to proceed in requesting a refund they will be required to evidence how such circumstances are preventing their engagement with the programme, in spite of any such reasonable adjustments. In these instances the Refunds Committee will make a decision on a case-by-case basis. Evidence provided with such applications will be treated in the strictest confidence in accordance with the College's *Data Protection Policy* (See 10).

5. Deferral

- 5.1. Applicants may only defer their place on a course by up to one academic year, subject to application, payment of a deferral fee, and the College's approval. Under no circumstances will deferral be granted for more than one academic year.
- 5.2. Applications for deferral must be made at least 30 days before the course's commencement date. Please note that applicants will be charged a deferral fee.
- 5.3. Upon deferring their course, the right to submit an application for a refund is waived. Where a student has deferred their course, and subsequently fails or attempts to withdraw from the course, no refunds will be provided save in exceptional circumstances. The Refunds Committee has sole discretion in determining whether or not student's circumstances are exceptional.

6. Applicant Conduct

- 6.1. It is understood that a refund application may at times be provided alongside expressions of dissatisfaction with the College and/or the service it provides. Refund applicants are expected nonetheless to conduct themselves at all times in a manner which demonstrates respect for the College and its staff, fellow students/applicants and property, and in adherence to the Student Code of Conduct.
- 6.2. Where the applicant is considered to be acting unreasonably they will be told why this is unacceptable and given the opportunity to modify their behaviour. If the unreasonable behaviour continues, the College will take the appropriate measures, which may include disciplinary action, expulsion from study and forfeiture of all fees.

7. Oversight of Refunds

- 7.1. All refund applications are reviewed and approved by the Refunds Committee, which convenes regularly to oversee refunds processing and preside over discretionary cases. The Refunds Committee is serviced with information on all cases provided by the Refunds Manager.
- 7.2. The Refunds Committee will decide whether the discretionary administration charge will be applied in each case.
- 7.3. The Refunds Committee may, where appropriate, elicit discretionary input from the College's senior academics on selected cases to ensure it is suitably aware of any additional factors to be considered.
- 7.4. LCCA will review this policy annually in line with its refunds procedures and terms and conditions to ensure it remains valid and fit for purpose.

8. Appealing a Rejected Refund Application

- 8.1. Where an applicant is dissatisfied with the outcome of a refund application they may have recourse to lodge an appeal should either of the following apply:
- i. The appellant can show procedural or administrative errors where the process leading to the decision has not been carried out correctly. This would include arithmetical errors affecting the value of the refund or misinterpretation of information leading to the final decision;
 - ii. There were exceptional personal circumstances which were not known to the Refunds Committee, and where the appellant can show good reason why such circumstances could not have been made known to the Refunds Committee.
- 8.2. Appellants are advised to submit appeal information to support their claims within 14 days of the initial refund decision given, to RefundsTeam@lcca.org.uk, or in writing to:
Refunds Team, 4th Floor, 30 Holborn, London EC1N 2LL
- 8.3. A Refunds Appeal Committee comprising members of the Legal and Admissions Teams, as well as any other relevant members of staff, will convene within 30 days to review appeal cases, provided they satisfy the conditions in 6.1. Refund decisions will be made by the Refunds Appeal Committee on a majority vote basis
- 8.4. In addition to the Refunds Manager acting as Chair, a voting quorum of at least 3 members will be present at each meeting. For the purposes of impartiality, the Refunds Committee members will not be present at the Refunds Appeal Committee but may provide information to assist it in discharging its function.
- 8.5. The Refunds Appeal Committee will make recommendations on each case under review to the Refunds Committee, who will assign the final action; this will either be
- i. to uphold the original decision
 - ii. to partially overturn the original decision – making a partial payment or goodwill gesture
 - iii. to fully overturn the original decision and refund the full amount.
- 8.6. Appeal outcomes are communicated to appellants via e-mail by the Refunds Team upon confirmation of the meeting minutes from either the Legal or Admission teams, and the expressed approval of Refunds Committee Chair.
- 8.7. This concludes the College's internal refunds procedures. If the applicant remains dissatisfied with the outcome they may lodge a formal complaint with the College regarding the handling of their refund application; in such instances the applicant should be aware that this will not result in a refund decision being overturned.

9. General Responsibilities under this Policy

- 9.1. The Refunds Committee is primarily responsible for defining and upholding the service standards outlined in this policy. It is also responsible for the final approval or rejection of a refund applications and appeal cases. The Refunds Committee is also empowered to specify goodwill gestures in the cases where refunds are not due but some form of compensation is felt to be appropriate.
- 9.2. The Refunds Team is responsible for:
- i. processing refund applications in a timely manner as per the service standards outlined;
 - ii. facilitating refunds committee meetings and providing information on individual cases;
 - iii. ensuring refund applicants are kept duly informed about the progress of their applications;
 - iv. communicating the list of approved cases to the Finance team for payment;
 - v. advising applicants of the final outcome of their case and their subsequent options.
- 9.3. The refund applicant is responsible for submitting a complete application and providing all necessary supporting evidence required to process their case in a timely manner when requested.
- 9.4. The Finance Team are responsible for the timely payment of approved cases, communication of remittance and managing refund budget to the Refunds Team. However, they are not responsible for the allocation of cases towards that budget.
- 9.5. Senior Legal and Admissions Team members are responsible for contribution to Refund Appeal Committees as and when these are held.
- 9.6. All members of LCCA are responsible for providing information relevant to a refund application where requested, in accordance with the College's information sharing procedures; where such requests are made these must be accommodated promptly to enable the Refunds Team to maintain its service standards.

10. Data Protection

- 10.1. Staff dealing with evidence supporting refunds applications will may often be in receipt of potentially sensitive information regarding students' or applicants' personal or medical circumstances. This information will be treated in the strictest confidence as per the guidelines set out in the College's Data Protection Policy. Such information will be kept securely in the College's archives for a period of time according to the College's retention policy, after which it will be securely erased from the system.
- 10.2. Personal information provided to the College in support of a refund application is not under any circumstances shared with an external party without the expressed written consent of the provider except where the College is required to fulfil a public function or protect vital interests of the information subject. See the College's Safeguarding Policy for more information about the information sharing processes adopted by the College.

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*Content owner is responsible for ensuring the regular review and update of the document to reflect changes in both internal governance and external regulations.

Authorship

| | Name | Role | Date |
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| Original Reviewer(s) | N. Cardy S. Tilloyev | Project Manager, IAP – BT, GUS Refunds Manager, LCCA | 10.11.2017 |
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| <i>Original draft circulated to refunds process stakeholders, created to support terms and conditions and define service standards for refunds payment.</i> | | | | |
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| Amended by: | | N. Cardy S. Tilloyev A. Blackman | Project Manager, IAP – BT, GUS Refunds Manager, LCCA Quality Assurance Advisor, GUS | 10.11.2017 |
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