

Annex D: Template for a student protection plan

Provider's name: Middlesbrough College

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Student protection plan for the period [2021/25]

1. An assessment of the range of risks to the continuation of study for your students, how those risks may differ based on your students' needs, characteristics and circumstances, and the likelihood that those risks will crystallise

The risk that the College as a whole will be unable to operate is very low. The Governing Body considers that the College has adequate resources to continue in operational existence for the foreseeable future and has approved its 5-year Strategic Plan and 5-year financial plan to July 2025. The College has adequate unrestricted reserves, headroom in its loan facilities to fund working capital requirements and has set a surplus budget for the next 2 years. For future accounting periods the College forecasts surplus budget positions. The SFA financial health measure is currently "Outstanding" and likely to remain good or better in the medium term.

The risk of the College being unable to deliver programmes in highly specialised areas in the next three years is low. The College new programme development strategy is to develop higher education programmes in areas where it has existing expertise and a team of suitably qualified staff. If an existing team of subject experts is not available at the proposal stage, the programme will not be approved for development. Where specific expertise is limited to a small team, the College strategy is:

1. To invest in training existing staff from the wider team.
2. Where suitable staff are not available in the wider team, to recruit additional staff.
3. Draw upon visiting lecturers from the extensive College contacts list.
4. The College also works with a number of professional recruitment agencies and if necessary agency staff will be employed to cover any short-term gaps in expertise, including periods of staff absence.

The risk that that the College will not be able to deliver material components of its courses is low because the Programme Teams design modules to be taught by integrated groups of academic staff. Where a Programme Team is small, or there is a specific specialism in short supply in any one module, the College strategy is to: invest in training existing staff from the wider team; recruit new staff; draw upon visiting lecturers and if necessary, agency staff to cover periods of absence.

The risk that a new course will be withdrawn prior to commencement because of low recruitment is moderate. The factors that may affect course withdrawal include consideration of health and safety risks that may arise because of low student numbers, or a negative student experience.

The risk that the content of a course may be amended and changed from that previously advertised is moderate to high. The College monitors the content of its HE courses annually as part of the annual quality review cycle. The process highlights any modifications that may enhance the content and ensure the currency of the award in light of amendments to practice or other more general changes in the sector. Before any modifications are implemented, they are subject to approval by our validating partner. In addition, all new awards are subject to validation. The consequence of these factors is that courses may differ from that which was originally advertised early in the recruitment cycle.

The risk that an existing non-specialist course will be discontinued in its entirety is low. The only circumstances where this may occur would be;

- If recruitment was so low that the student experience would be adversely affected and make the completion of essential assessment and learning tasks difficult/impossible;
- If the College lost the support of its validating partner to accredit the award;

2. The measures that you have put in place to mitigate those risks that you consider to be reasonably likely to crystallise

The College strategy to manage the risk of non-continuation any specific course due to specialist staffing issues is, (as outlined in Section 1), proven and effective. The new programme development process works on a 5-year rolling planning cycle, which is linked to the availability of suitable resources, including staff. This cycle allows ample time to prevent a situation arising where a course, whatever the area of specialism, is unable to operate. The Higher Education Office monitors staff expertise in all academic areas and makes recommendations to expand teams that could potentially face risk in the medium term.

The College default position is to run a course once it has been developed, approved and advertised. The risk that low numbers may undermine this position is mitigated during the Title Approval phase of the programme development process. At this point - and before approval is granted to develop the award - the Programme Team must demonstrate that there is a viable demand and sustainable market for the award.

Recognising that the changing nature of any market may render forward planning redundant, the College has a strategy to manage the closure of a new course prior to commencement, if absolutely necessary. Application trends are monitored carefully on a weekly basis throughout the recruitment cycle. If it appears that student numbers are so low that to run the course would affect an aspect of student health and safety, or lead to a negative student experience, a decision would be taken as early as possible in the recruitment cycle to close the course. In this eventuality, all applicants would be contacted to discuss the range of options open to them, including:

- assisting applicants to find an alternative similar course at another institution;
- investigating the suitability of an alternative course of study at the College.

Should either of these options prove to be unsuitable, alternative approaches will be discussed, including;

- deferred entry to the next intake;
- in-year start date; adapted delivery model to support a small number of students to complete the course effectively in a way that meets their needs.

This approach is identified and explained to students in a [statement on the College web-site](#). These steps will be taken to support and protect students both on specialised and non-specialised courses.

All staff engaged in dealing with HE applications have received training from the Higher Education Office on the importance of being clear with applicants on the likelihood of modifications to programmes of study, particularly where they are subject to validation. This information is shared with all applicants during preliminary information, advice and guidance sessions and there is a [statement on the College website](#) to explain what this means.

The College ensures that any validation arrangement that it enters into with partner HEI's, contains appropriate protection for students in the event that the validation arrangements should be terminated. The College will commit to the teach out of all existing students to ensure that they achieve their award. In the event that the College is unable to meet this commitment for whatever reason, all existing students will be supported to find an alternative provider so that they can continue their studies. In the event that no other provider exists, the College will review the costs incurred by the student in the completion of their studies to date, to ensure that they are not disadvantaged if they have to repeat a stage of study that they had previously completed.

In the event that the College faces a situation where continuing student numbers are low, it will honour its commitment to continue to deliver the programme of study. If required, the College will propose alternative approaches to delivery patterns and/or assessment methods to its validating partners and the students, to overcome any barriers to continuation that low numbers may present. Any amendment to either delivery or assessment strategy would be contingent upon approval from both parties. In the event that approval from both parties is not received, the College will explore all alternatives with the continuing students to achieve a satisfactory outcome for them. This will include;

- identifying opportunities for transfer at the same stage to a similar programme of study at an alternative provider;
- identifying opportunities for transfer at the same stage to an alternative programme of study at the College;
- withdrawal from the programme.

Whichever course of action is agreed, the College will review the costs incurred by the student in the completion of their studies to date, to ensure that they are not disadvantaged if they have to repeat a stage of study that they had previously completed.

3. Information about the policy you have in place to refund tuition fees and other relevant costs to your students and to provide compensation where necessary in the event that you are no longer able to preserve continuation of study

The College refunds and compensation process is reviewed regularly to ensure that it reflects best practice and meets the needs of students. The details are included in the Fees Guidance and Fees Policy documents available on the [Policies & Procedures](#) section of the College web-site. The text relating to refunds and compensation is attached to this document in Appendix 1.

Higher Education represents approximately 7% of total College student numbers and 5% of income. As such, the College is well placed to cover the costs of non-continuation of study of its HE programmes out of standard reserves should it be essential. At this stage there is nothing to suggest that this is likely to materialise.

4. Information about how you will communicate with students about your student protection plan

The College will provide the Protection Policy to all prospective and existing students via the web-site, which has unrestricted access.

All staff are supported in the understanding, use and adoption of policies relating to higher education by the Higher Education Office (HEO). Supplementary information about the policies, their use and importance will be provided to staff in their annual update which is circulated in July each year. Reference to the Policies will also be made available on the HEO page within the College Teams site. This site is a key point of reference to all staff on HE related matters.

The HEO ensures that all programme teams refer to the Protection Plan, both at the proposal, modification and review phases of the programme life-cycle, including the initial Title Approval stage.

Student consultation on policies and processes is managed at several levels:

- all student communication is underpinned by the network of student representatives who are appointed for each year of each course;
- the policy has been shared and discussed at the Finance and Registry HE Working Group which includes student representation;
- the minutes from these consultations is fed into all policy developments which are then shared with student representatives via the College VLE;
- final versions of policies are approved by Academic Board which includes student representation;
- all approved policies are made available for current and prospective students via the College website.

Should it be necessary to implement the Student Protection Plan, the affected students will be contacted in writing (print and electronic) with the following information:

- the specific issues that have led to the Student Protection Plan being implemented;
- the consequences of the actions being taken, both for them and the College;
- a request for any specific action that may be required by the student;
- an explanation of what will happen next;
- an outline of the timeline involved and any actions that are urgent or time critical.

The College provides standard statements on its website which all students are advised to read, that covers the potential of:

- a programme that is subject to validation, not being subsequently approved;

'Where you see the words, Subject to Validation, this means the course is in development and the details of the course are in the process of being finalised by The Open University or Pearson. We would expect this course to be approved, however, this is not guaranteed and should the course not go ahead you will be informed by Middlesbrough College and assistance will be provided to those who have been offered a place to find a suitable alternative course either at Middlesbrough College or at another provider.'

- a programme that is amended through modification;

'To ensure that our courses are current and reflect the latest academic, technological, legislative, and social changes, they are all subject to annual review. These reviews may result in minor changes to content, methods of assessment or other details. Where these changes are necessary, we will advise you as early as possible with an open offer to discuss the impact they have on the course. While we hope you will see the value of any such changes, we respect your right to withdraw your application if you believe that the course no longer meets your needs. You can cancel your place by contacting courseinfo@mbro.ac.uk any time before you have registered or within 14 days of your acceptance of the place if that is later. Should you decide to take this course of action, we will offer any assistance that we can to help you to identify an alternative course at another institution.'

- a programme that is withdrawn because applicant numbers are so low that they present a health and safety risk or are likely to negatively impact the student experience;

'In the interest of providing a positive experience for all of our students, we monitor the level of demand for all of our courses very closely. We have to balance flexibility within our programmes with our obligations to manage our funds in a way which is efficient and cost-effective in the context of the provision of a diverse range of courses to a large number of students. If we feel that the number of students enrolled on any course will have a negative impact upon the student experience, we reserve the right to close the course before the start of the new academic year. Should this action be necessary, we would take this decision as early as possible and inform you immediately. Please know that closing a course due to low numbers is a rare circumstance and where this course of action is necessary, we would discuss it with you and offer any assistance that we can to help you to identify an alternative course at the College or another institution.'

Initial communication concerning the implementation of the Student Protection Plan will be delivered via standard communication (written and electronic). Thereinafter, all actions will be managed on an individual basis as the College recognises that every student's circumstances are unique and the solution will be specific to them. Initial communication will be managed by the Higher Education Office (HEO) to explain the situation and the range of options available. The HEO will draw upon the advice and guidance of the Programme Team and the College Careers Service. Students will be guided throughout the process that they can bring a 'friend' to support them in any discussions established to support the resolution of the scenario. Students will also be guided to seek support and guidance from the Student Union.

Any student that is dissatisfied with the outcome and management of the process to find a resolution to the issue will be directed to the College Complaints procedure.

Compensation and Refunds

The College is committed to protecting the consumer rights of students and ensuring that they receive the education to which they are entitled according to the terms of their contract with the College. This protection includes the approach taken to compensation and refunds. To assure itself and its students that the College's approach is appropriate, the policy meets the requirements of the Consumer Rights Act 2015. In addition, the policy has been informed by the principles and guidance provided by:

- Competition and Markets Authority: UK Higher Education Providers – Advice on Consumer Protection Law, 2015.
- Universities UK: Compensation and Refund Policies – Developing Good Practice, 2018.
- UK Quality Code for Higher Education.
- The Office of the Independent Adjudicator (OIA).
- Office for Students.

Refund of Fees

In the unlikely event that a course of study provided by the College does not meet the standards agreed and expected, a student may apply for a refund of all or part of any tuition fees paid. Students may also apply for a refund of all or part of any additional costs associated with the course of study that they were expected/required to pay as a condition of enrolment. This agreement includes students:

- in receipt of a tuition fee loan from the Student Loans Company;
- who pay their own tuition fees;
- whose tuition fees are paid by a sponsor.

NB – where the College can demonstrate that the partial completion of prior stages was not the fault of the College, for example, if a student failed to complete all required assessment activity without the agreement of the College, any refund would be reviewed and the College may deduct a proportion of any payment. This deduction would be explained and discussed with the student.

Compensation

In the unlikely event that action taken by the College significantly alters the approach to delivery of one of its courses of study which leads to a student incurring unnecessary or additional costs, the student may apply for compensation to cover all or part of these costs. This agreement includes:

- the payment of additional travel costs for students affected by a change in the location of their course;
- compensation for maintenance costs and lost time where it is not possible to preserve continuation of study;
- compensation for tuition and maintenance costs where students have to transfer courses or provider.

NB – where the College can demonstrate that the partial completion of prior stages was not the fault of the College, for example, if a student failed to complete all required assessment activity without the agreement of the College, any refund would be reviewed and the College may deduct a proportion of any payment. This deduction would be explained and discussed with the student.

Applications for Refunds and Compensation

If a student believes that they are eligible to receive a refund or compensation and have not already been advised by the College that it is due, the following steps should be followed in order.

Stage	Process	Time for completion of Stage*
Stage 1 Informal Enquiry	All applications for refunds or compensation should be addressed to the Programme Leader in the first instance. In the majority of cases, the College will already be aware of any circumstances where a refund or compensation may be due and arrangements will be in place. The Programme Leader will advise the applicant on any progress being made and/or provide guidance on the next steps. Informal enquiries should be submitted via e-mail so that the applicant has a record of when the enquiry was made.	5 working days
Stage 2 Formal Request	If the College has not begun formal action to address a situation that may require a refund or compensation, or the applicant is dissatisfied with the proposed outcome, the applicant may apply for a refund or compensation to the VP Finance, using the form attached in Appendix 1. The application will be assessed and a decision provided to the applicant as well as the underpinning rationale.	15 working days
Stage 3 Complaint	If the applicant is dissatisfied with the decision of the VP Finance, they should submit a formal complaint to the College Ombuds Office, using the Complaints Procedure which can be found on the College website. This will trigger a full review of the case and decision based on the evidence provided by both parties.	20 working days
Stage 4 Appeal to OIA	The College subscribes to the independent scheme for the review of student complaints. If any student is dissatisfied with the outcome and management of the process to find a resolution to their complaint, they can apply for a review of their case to the Office of the Independent Adjudicator (OIA), provided that the complaint taken to them is eligible under OIA Rules.	According to OIA Schedule

* The times shown are for each stage of the process and not a cumulative total.



Application for Refund and/or Compensation Stage 2			
Name		Student No.	
Programme Title			
Year of Study			
Have you spoken to your Programme Leader about your claim?	Yes	No	
<p><i>Please explain in the box below what you are applying for and why you believe you are entitled to receive it. For example; 'I would like to apply for a refund of tuition fees because.....'</i></p> <p><i>Please note - any supporting evidence you can provide may speed up the handling process and response to your request.</i></p>			
Signed		Date	