



***Policy on
HE Sanctions for Non-Payment of Tuition Fees***

Approved on

31 October 2022 – applies to enrolments from 1 November 2022

Approved by

Senior Leadership Team

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| Policy Title | HE Sanctions for Non-Payment of Tuition Fees |
| Document Owners | Chief Financial Officer Vice Principal for HE Academic Registrar |

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| Policy effective for new enrolments from: | November 2022 |
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New College Durham is committed to safeguarding and promoting the welfare of children and young people, as well as vulnerable adults, and expects all staff and volunteers to share this commitment.

If you require this document in an alternative format and/or language, please contact records@newdur.ac.uk

We review our policies regularly to update them and to ensure that they are accessible and fair to all. All policies are subject to equality impact assessments which are carried out to determine whether the policy has, or is likely to have, a different impact on those with protected characteristics. We are always keen to hear from anyone who wants to contribute to these impact assessments, and we welcome suggestions for improving the accessibility of fairness of this and all College policies.

To make suggestions or to see further information please contact:

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1. Scope and purpose

This Policy and Procedure will establish how the College will apply sanctions in the event of non- payment of Tuition fees. It will enable the College to meet the requirements of the Office for Students (OfS) and the Competitions and Markets Authority in relation to Consumer Law.

The Policy will apply to all Higher Education students at New College Durham who have not got a tuition fee payment arrangement in place for their programme.

2. Responsibilities

The Chief Financial Officer (CFO) is responsible for ensuring the College has a stated position in relation to Fee payment and that the relevant policies (see section 3) are communicated to students and prospective students. The CFO will also authorise appeals against withdrawals for non-payment of fees.

The Vice Principal responsible for HE (VPHE) is responsible for ensuring compliance with the OfS conditions for registration. The VPHE will also authorise appeals against withdrawals for non-payment of fees.

The Academic Registrar is responsible for ensuring the information published by the College complies with the law and for maintaining the HE Withdrawals Policy.

The Treasury Manager and the Registry Co-ordinator are responsible for maintaining a procedure for the application of Fee Sanctions in relation to the HE Withdrawal Procedure¹.

3. Relationship with the Law, regulators and other College Policies

This Policy will facilitate compliance with the conditions of registration for the Office for Students, the rules of the Student Loans Company and the requirements of Consumer Law.

This Policy should also be read in the context of the following College policies

- Annual Fees Policy
- HE Withdrawals Policy
- Refund and Compensation Policy for HE

¹ The Fee Sanctions Procedure is contained here at section 5

4. Policy statement: sanctions for non-payment of tuition fees

If a student does not pay their tuition fees the following sanctions will apply.

- a. The student will not be allowed to enrol on any further course at New College Durham.
- b. If a student has tuition fee debt at the second 'Tuition Fee Liability Point' as proscribed by the SLC and does not achieve a successful appeal they will be withdrawn from the programme (see Section 5, stage 3 below).
- c. Students who leave the College with outstanding tuition fees will be traced via the debt collection agency engaged by the College and debts will be recovered via the appropriate legal process.

5. Procedure

Stage 1: Enrolment

As part of the enrolment process a student will sign a learning agreement confirming that they have read and understood the College Tuition Fees Policy, Refund Policy and Sanctions for Non-payment of Tuition fees available to view on the College Website/HE handbook. The student will be enrolled with an enrolment status of 'Payment Pending' if as part of the enrolment process they are unable to confirm how their fees will be paid.

Stage 2: Finance

The enrolment status for students who do not have an arrangement in place to pay their Tuition Fees will remain 'Payment Pending' until such time that payment is made, or evidence can be identified from the Student Loans Company portal that their tuition fees will be paid through a Tuition Fee Loan. When the payment evidence has been provided the Income Team will remove the Payment Pending indicator.

Students are requested to provide evidence of tuition fee payment upon enrolment. If they are not in receipt of either a Tuition Fee Loan on the Student Loans Company (SLC) portal or they do not have an arrangement in place, then an invoice will be raised three weeks after their course commences. The Income Team will begin to follow the College's Debt Collection procedure until an arrangement to pay is put in place. Students without a satisfactory fee payment agreement will move to the next stage of the procedure, the consequences of which will be set out alongside the invoice and is also included in the College induction process.

Stage 3 – Finance

At the first fee liability point Income Office will issue a reminder to all students still Payment Pending on the programme that their award is dependent on the full payment of tuition fees.

For students where their enrolment status remains 'Payment Pending' by the second fee liability point (typically three months from the course start date), they will be unable to continue on their programme until a satisfactory fee payment agreement has been put in place. This will also apply to students who have reached the sixth week of their course with 'Payment Pending', where it is known that they have been rejected for a Tuition Fee Loan and have failed to make a satisfactory payment arrangement at this point. **The Income Team will write to the student to inform them of the intention to withdraw and the process/deadline for appeal.** If after a 14 College working day period the student has not appealed this decision Finance will instruct the Programme Team to enter a withdrawal and will **write to the student to confirm their withdrawal.** Academic Registry will not permit a further appeal as part of the withdrawal.

Stage 4 - Appeals

Students may Appeal against the intended withdrawal based on the following circumstances:

- Their Student Finance England application has been delayed.
- Their Student Finance England application has been rejected and they are appealing the decision made by the Student Loans Company.
- They are self-funding and are appealing on the basis of financial hardship.
- Their fees were due to be paid by an employer or sponsor and this support is no longer available.
- They can demonstrate exceptional circumstances.

Appeals should be made by the student in writing, with relevant supporting evidence, within 14 College working days of issue of the intention to withdraw. Appeals should be emailed to income@newdur.ac.uk who will liaise with both the Vice Principal, HE, Lifelong Learning and International Studies and the Chief Finance Officer.

Within five working days of the Appeal being received, the Vice Principal, HE, Lifelong Learning and International Studies and Chief Finance Officer will make a decision based on the information/evidence provided by the student. They may choose to **defer the sanction** or **confirm the withdrawal.**

If the Appeal is successful and therefore the Sanction is to be deferred:

- **The Income Team will write to the student with the outcome of their Appeal**, the letter will be copied to the Programme Team and CIS Helpdesk;
- The student's status will remain 'Payment Pending'.

If the Appeal is unsuccessful the student will be informed in writing by the Income Team.

Students who have outstanding tuition fees from a previous programme and wish to apply for a new programme at the New College Durham will not have their application processed.

Stage 5 – Deferred sanctions

Where a student has had their sanction deferred, they will remain 'Payment Pending' until such a time that their fees are paid. If a student is still identified as Payment Pending at the third liability point **the Income Team will issue an Intention to Defer letter** instructing the student that if a suitable arrangement to pay their outstanding tuition fees for the current year is not in place within 14 College working days that they will be suspended using a strategic suspension of studies. A member of the Income team will notify the Programme Leader. Income, Registry or CIS will apply the strategic suspension of studies.

For any suspension of studies which results in a break in studies, an Assessment Board will consider the appropriate time for the student to re-engage with learning once all debts have been paid. This may result in a delayed start of their next level of study, or deferral to another start date.

Where the debt remains outstanding, Finance will continue to engage with Debt Recovery Partners and the appropriate legal processes where necessary.

Where the outstanding Tuition fee debt is satisfied prior to a withdrawal, the Income Office would record the student as Live. Finance will notify the Programme Teams and the HE Data Analyst that the matter has been resolved.

If a debt remains outstanding for 12 calendar months from the point of a strategic suspension of studies, the student will be withdrawn from the programme/award by the Programme Team following the HE Withdrawal Policy and Procedure. Students will have a right to Appeal the withdrawal decision via the HE Withdrawals Appeal Procedure.