

UNIVERSITY OF CAMBRIDGE

Fee Status Assessment Appeal

POLICY AND PROCEDURE

This document sets out the procedure and policy for managing appeals submitted by offer holders and current students who believe that the fee status assessment carried out by their Admitting Body (their College in the case of undergraduates, or postgraduate admitting body in the case of postgraduates) is incorrect.

1. APPEAL PANEL MEMBERSHIP

- (a) The Fees and Funding Sub-committee will appoint a 'pool' of Appeal Panel members from whom a minimum of two will be selected to consider each appeal.
- (b) Undergraduate appeals will generally have a College representative on the panel.
- (c) Postgraduate appeals will usually have a Postgraduate Admissions Office representative or the relevant admission body representative on the panel (i.e. JBS or ICE)
- (d) Membership of the pool:
 - The Chair of the Bursars' Fees Sub-Committee
 - The Chair and/or Secretary of the Bursars' Committee (whichever of these is currently a member of the Bursars' Fees Sub-Committee)
 - Deputy Head of Education Services
 - Head of Postgraduate Admissions
 - Two other members representing admitting bodies (ICE and JBS)

The Chair of the Fees and Funding Sub-committee should not be part of the pool in case there is an exceptionally difficult case that requires escalation to a senior officer.
- (e) The Secretary of the Fees and Funding Sub-committee will oversee the Appeals procedure and will also provide guidance and advice to the panel.

2. POLICY

2.1. Fee Status Regulation

- (a) Fee status is determined by parliamentary legislation in the Education (Fees and Awards) (England) Regulations 2007.
<https://www.legislation.gov.uk/uksi/2007/779/contents/made>

2.2 Legal framework

When reaching a decision, the University needs to bear in mind that:

- (a) Paragraph 4(1) of the fee regulations makes it lawful to differentiate against overseas students by charging them higher fees than home students. However, there is no obligation to charge them higher fees.
- (b) There is a duty not to charge students who are eligible for Home fee status more than the regulated fee. There are sanctions from the regulator (OfS) if an institution does so.
- (c) In terms of legal risk, the greater risk lies in charging someone eligible to pay Home fees a higher fee, rather than charging someone who could be classed as an overseas student a lower fee than the University is permitted to charge. (This is, however, a financial risk).

- (d) This legal risk would only materialise if the student obtained a definitive ruling, through court action, that they were eligible to pay Home fees but had been charged higher fees.

2.3 Fee Status Assessment

- (a) The fee status for an undergraduate applicant is based on information that the College receives directly from the student or UCAS. The fee status for a postgraduate applicant is based on information that the postgraduate admitting body receives directly from the student.
- (b) The Admitting Bodies are provided with guidance on how to assess fee status and training is available annually. This guidance and training is also available to Appeal Panel members.
- (c) It is possible, and permissible, for different institutions to reach different conclusions on fee status based on the same evidence. Therefore each case must be assessed on the basis of its own evidence and not based on another institution's decision (including that of Student Finance, if applicable).

2.4 Fee Status Review

- (a) If an applicant believes that their fee status is incorrect, they may ask their Admitting Body to review its decision based on additional information or evidence provided by the student.
- (b) The applicant is advised in their offer letter that this must be done before matriculation and preferably before they accept the offer. They are also advised that a fee status will not normally change throughout the course.
- (c) An applicant must seek guidance from their Admitting Body on how to initiate a review, but it is expected that the Admitting Body will request the applicant to complete a Fee Status Questionnaire and should acknowledge a request for a review within five working days.

2.5 Fee Status Appeal

- (a) If an applicant believes their fee status to be incorrect after their Admitting Body has advised them of the outcome of their Fee Status Review, they may request a Fee Status Assessment Appeal. The grounds for an Appeal are:
- based on evidence previously submitted, they consider the fee status decision to be incorrect; and/or
 - procedural irregularities have occurred, which are material or potentially material to the decision reached; and/or
 - their Admitting Body has advised them to submit a formal Appeal to the University
- (b) The applicant must complete the Fee Status Assessment Appeal submission form and submit all supporting documentation.
- (c) Appeals must be submitted within fifteen working days of the individual receiving notification of the outcome of their fee status review by their Admitting Body. This deadline may only be extended in the event of exceptional circumstances, such as illness.

- (d) An appeal request should be acknowledged within five working days.
- (e) The applicant cannot submit further evidence once the form has been submitted, unless requested to do so by the Secretary of the Fees and Funding Sub-committee.
- (f) The panel will only accept a submission from an applicant and reply to correspondence from applicant unless it has received expressed written consent from the applicant that a third party is representing them, for example, a parent or legal representative.
- (g) The panel's decision will be made within the legal framework of the Education (Fees and Awards) (England) 2007 regulations, as amended, and the Higher Education (Fee Limit Condition) (England) Regulations 2017, as amended.
- (h) The panel will have access to the same guidance and training as admission officers. In exceptional circumstances it may also wish to seek additional legal advice. This will be sought via the Legal Services Division.
- (i) The panel should decide within twenty working days of the request being received; however, in some instances, this may not be possible. Such instances may include:
 - the need to seek further legal advice,
 - the availability of panel members, particularly during the vacation period,
 - absence of panel members or Officers of the Sub-committee
- (j) If a decision is likely to be delayed, this should be communicated to the applicant.
- (k) The panel will make one of two decisions: the fee status will either be
 - Home or
 - Overseas
 No other option is available to the panel.
- (l) The panel's decision is final.
- (m) The Secretary of the Fees and Funding Sub-Committee will inform the applicant and their Admitting Body of the panel's decision in writing.
- (n) If the panel decides that the applicant's fee status is Home, the applicant must be made aware that the Student Loans Company may not make the same decision.

3. PROCEDURE

- (a) The applicant completes the Fee Status Assessment Appeals submission form, available for download from the University fee status web pages, and submits the form and supporting evidence to the Fee Status Appeals inbox.
- (b) An email acknowledging receipt of the form is issued to the applicant, normally within five working days.
- (c) Unless not reasonably practicable, a meeting of the Appeal Panel will be set up to take place within 15 – 20 working days of receipt of the form and supporting evidence.
- (d) The Appeal Panel will consist of a minimum of two members selected from a standing Fees and Funding Sub-Committee membership of six. The Secretary of the Fees and Funding Sub-committee will also attend the meeting.
- (e) The Appeal Panel will receive a notification of the appeal request and supporting documentation from the Secretary of the Fees and Funding Sub-committee. Members can access all the documentation via MS Teams and request further guidance and advice to be provided in advance of the meeting or at the meeting. They can also request further evidence from the applicant. In cases where the Secretary has previously provided guidance to the Admitting Body during the original fee status assessment, or at review stage, this will be declared to the panel at the point that the appellants' documents are circulated.
- (f) The Officers are responsible for ensuring that the requested guidance and/or advice is available. If it cannot be provided in time for the meeting, this may be a permissible reason for an extension to be made to the 20 working days deadline.

- (g) The panel will be asked to reach a decision at the meeting.
- (h) The decision of the panel is final.
- (i) The Secretary will communicate the panel's decision to:
 - The applicant
 - The College in the case of Undergraduate students and offer holders
 - The Postgraduate Admission Office in the case of Postgraduate students and offer holders
 - Other relevant admitting bodies (e.g. JBS and ICE)
- (j) In the event that a student be dissatisfied with the outcome of the appeal, they will be required to contact the Secretary, who will then arrange for a Completion of Procedures (CoP) letter to be issued by the Office of Student Conduct, Complaints and Appeals (OSCCA).