

Education establishments

Terms and Conditions for education establishments registered on TfL's 18+ Student Oyster photocard scheme 2019 to 2020.

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Section 1 - Introduction

1. These Terms and Conditions apply to education establishments administering applications for the Transport for London ('TfL') 18+ Student Oyster photocard scheme ('the Scheme').
2. It is each education establishment's responsibility to ensure it is familiar with these Terms and Conditions and the student eligibility criteria (Appendix A).
3. TfL reserves the right to suspend or revoke an education establishment's registration at any time.
4. TfL may terminate or revise this Scheme or amend the Terms and Conditions of the Scheme, at any time. Up to date information about the Scheme can be found online at tfl.gov.uk/18plus
5. The Scheme is open for applications from 1 September 2019 to 31 July 2020.

Section 2 - Applying for registration

1. An education establishment is only eligible to be registered as an administrator under the Scheme if it:
 - is located in Greater London or, if located outside Greater London, has eligible students who live in a London borough who regularly travel to and from the education establishment; and
 - provides to the student directly the full-time and part-time courses that the student attends; and
 - will have eligible students enrolled in the 2019/2020 academic year; and
2. The education establishment is required to provide evidence that its' curriculum includes full-time courses including at least 15 tuition-led or structured learning hours a week (with attendance at scheduled classes being Monday to Friday only, and not including evening classes) that span a minimum period of 14 weeks. Courses lasting less than 14 weeks which are repeated so that the total is 14 or more weeks are not eligible.

3. Further, if the education establishment has non-European Economic Area (EEA) students, the education establishment must hold a Tier 4 Sponsor status or Probationary Sponsor status awarded by the Home Office.
4. Student Service agencies and similar organisations are not eligible for the Scheme.
5. An application to register can be made by calling TfL Customer Services.
6. The education establishment must nominate a Primary Contact, a Secondary Contact and up to five Online Approvers, and must provide the full name, job title and contact details, including email address in the agreed format (see point 9 below), for each of these people.
7. It is the education establishment's responsibility to ensure the relevant, authorised personnel have access to the InNovator system. The education establishment must notify TfL if personnel leave so that their InNovator account can be disabled.
8. Each member of authorised personnel must set up and use their own individual InNovator account. Personnel must never share an account or password.
9. It is the education establishment's responsibility to ensure the Contacts and Approvers and their corresponding contact details are always up to date.
10. Neither the Primary Contact, Secondary Contact nor any Online Approver is permitted to hold an 18+ Student Oyster photocard, whether applied for through the education establishment to which the registration relates or any other education establishment.
11. Email addresses provided must be of a named person and the domain name of the email address should reflect the education establishment's name or abbreviation. Generic email prefixes such as admin@, info@ and web-based email addresses such as hotmail, gmail or yahoo are not accepted.
12. Education establishments participating on the Scheme should provide a static IP address.
13. If the education establishment cannot provide a static IP address, the education establishment must email TfL notifications of their new IP address where it has changed. The InNovator database will then be manually updated.
14. If the education establishment has provided a dynamic IP address they must expect it to take longer to access the InNovator database and for applications to be authorised.
15. A non-refundable registration fee is payable to cover the cost of processing the registration. Acceptance of payment is not confirmation that registration has been successful.
16. If the education establishment registers for the Scheme but then is found to be ineligible to join, the registration fee will not be refunded.
17. By registering for the Scheme, the education establishment:
 - o acknowledges that the registration information provided is correct;
 - o agrees to make the people named as the Primary Contact, the Secondary Contact and Online Approvers fully aware of their responsibilities; and

- agrees on its own behalf and on behalf of the Primary Contact, the Secondary Contact and Online Approvers, to be bound by these Terms and Conditions.

Section 3 - TfL's determination of applications

1. Before accepting an education establishment's application for registration, TfL may visit the education establishment for the purpose of ascertaining whether the information that has been provided is correct, the education establishment satisfies the Scheme's eligibility criteria, or for any other reason associated with assessing the education establishment's application. TfL will only enter the education establishment with the permission of an authorised person. However, if access is refused, TfL may take this into account when assessing the education establishment's application and may not register the establishment.
2. Before accepting an education establishment's application for registration, TfL will attempt to ascertain whether an education establishment meets the eligibility criteria. This includes asking an education establishment to supply supporting information proving they meet the criteria. If TfL deems an education establishment unsuitable, it will be refused registration under the Scheme.
3. TfL may run such company information checks as it deems fit on an education establishment as part of its validation (checking and authorisation) process. If TfL deems an education establishment unsuitable, it will be refused registration under the Scheme.
4. TfL will not be responsible for any costs incurred by an education establishment which are associated with its application for registration. TfL is also not responsible for any application that is delayed or rejected.
5. TfL may take up to a month to authorise an education establishment's application for registration.
6. If TfL accepts an education establishment's application for registration, TfL will provide access to a secure web based database, InNovator, for up to five nominated Online Approvers to enable applications to be processed online.
7. Access to the InNovator database is limited to the five nominated Online Approvers. If access details such as sign in information are disclosed to anyone else, TfL may suspend or revoke the education establishment's registration and take any other action needed. Any unauthorised use of InNovator may be reported to the Information Commissioner's Office and/or the police.

Section 4 - Obligations of the education establishment

1. All 18+ Student Oyster photocard applications can only be approved online and must only be approved by the nominated Online Approvers.
2. It is the education establishment's responsibility to approve its students' applications in a timely manner. TfL is not liable for any expenses,

including travel costs, incurred by students as a result of any delay or error by the education establishment.

3. TfL will contact education establishments using the contact details provided at the time of registration. It is the education establishment's responsibility to regularly check for email notifications from TfL. Emails from TfL are currently sent from 'establishmentregistration@novacraft.com'
4. It is the education establishment's responsibility to notify TfL of any change to its contact details. This includes changes to Primary or Secondary named Contacts, Online Approvers, address or email address changes.
5. TfL require that an education establishment undertakes eligibility reporting exercises twice during each academic year. TfL's academic year starts in September and closes in August. The education establishment is required to check its student details in InNovator against its own student records. It must then report to TfL details of any students who are no longer enrolled, have left their course or otherwise do not meet the eligibility criteria of the Scheme, using the functionality in InNovator.
6. TfL will notify education establishments by email before the end of the Autumn/first term and before the end of the Spring/second term advising them of their obligation to undertake these eligibility reporting exercises.
7. An education establishment's Online Approvers must sign in to their InNovator account to access its Student List. The Online Approvers are required to check the Student List against the particular education establishment's student records in order to establish which students are no longer enrolled or attending or where the students no longer meet the Scheme's eligibility criteria.
8. Once a student has been reported as ineligible by an education establishment their 18+ Student Oyster photocard will be stopped. TfL cannot reverse this action.
9. If a student has been marked as ineligible by an education establishment in error the student will have to reapply and pay the administration fee. TfL is not liable for any costs incurred by the establishment or student in this instance. It is the education establishment's responsibility to inform its students if an error has occurred.
10. It is the education establishment's responsibility to ensure that they have the personnel required to undertake this activity.
11. If the education establishment fails to undertake the eligibility reporting activity when requested by TfL, the establishment's participation in the Scheme may be suspended or revoked. All 18+ Student Oyster photocards that have been issued to an education establishment's students will be stopped immediately.
12. An education establishment is obliged under the Terms and Conditions of the Scheme to contact the students concerned and advise them accordingly.
13. An education establishment that has had its participation revoked may not re-apply to join the Scheme until a date set by TfL, depending on the circumstances surrounding the revocation.

14. Education establishments can only amend Student course dates at the approvals stage and before an 18+ Student Oyster photocard has been issued.
15. Once a student has been issued with an 18+ Student Oyster photocard education establishments cannot extend course end dates.
16. Students' course end dates can only be brought forward. If a student course end date has been brought forward in error TfL have no way of rectifying this and the student will have to reapply and pay the administration fee. TfL is not liable for any costs incurred by the education establishment or student in this instance. It is the education establishment's responsibility to inform its students if an error has occurred.
17. In May/June each year TfL invites participating education establishments to register for the forthcoming year. Failing to register for the forthcoming year means:
 - The education establishment will be removed from the scheme
 - Existing student card holders will have their 18+ Student Oyster photocards stopped
 - New students will not be able to apply
18. The InNovator database must only be used in accordance with these Terms and Conditions and any other instructions that TfL notifies an education establishment of from time to time including any conditions of use displayed electronically when logging in to the InNovator database.
19. TfL reserves the right to monitor and/or audit access to the InNovator database for the purposes of preventing or detecting unlawful or unauthorised processing of any personal data held within it.
20. Before authorising any application, online approvers must take all reasonable steps to ensure that a student meets the Scheme's eligibility criteria as set out in Appendix A to these Terms and Conditions including checking that the student has provided sufficient proof as required. In addition, the online approvers must check that the student has provided all the information required including his or her student enrolment number and course start and end dates.
21. The education establishment must keep full and accurate records to support its administration of the Scheme for the duration of the Scheme and disclose them to TfL on request. Such records should include:
 - the student's name;
 - the title of the course that the student is enrolled on;
 - the student's enrolment status;
 - the date that the student's course is due to end; and
 - attendance records

TfL reserves the right to add to this list.

22. Where maintained by the education establishment, the establishment must also disclose the following records to TfL on request:
 - official records of attendance, such as those required by the Home Office and their accrediting agencies for non-European Economic Area (EEA) students; and/or
 - complete attendance records, including for any structured learning undertaken off-site (not at the registered tuition address), if students are attending skill-based or vocational courses (for example, 'Organisation of Tourism, Hotel and Management' or 'Health and Social Care' National Vocational Qualification (NVQ)).
23. The education establishment must inform students by way of a privacy notice or other data protection statement that records are being kept for the purpose of administering the Scheme and that the records may be disclosed to TfL and its agents.
24. The education establishment must make these records available to its online approvers to enable them to authorise applications and verify whether a student continues to be eligible for the 18+ Student Oyster photocard.
25. TfL will only seek disclosure of the education establishment's records for the purpose of checking that the establishment is complying with these Terms and Conditions and for carrying out any related action. TfL will give the education establishment reasonable notice, by phone or in writing. The education establishment must cooperate with TfL by:
 - giving TfL access to the premises;
 - making sure that relevant records are available; and
 - providing copies of these records if TfL asks for them.
26. If an education establishment discovers that a student who has an 18+ Student Oyster photocard is no longer enrolled, not going to classes or otherwise does not qualify for the concession, the establishment's approved authorisers must immediately amend the Student List held in their establishment's InNovator database. The student's entry in the list must be identified to TfL in order that TfL can stop the 18+ Student Oyster photocard. The education establishment must report these cases using the ad-hoc functionality in InNovator to TfL. TfL must be informed promptly if:
 - the student fails to meet the required minimum of 15 tuition-led and /or structured learning hours a week for a period of 28 days without a reasonable written explanation;
 - the student has dropped out or failed to attend from the start of their course;
 - the student's course end date has passed;
 - the student has transferred and is no longer on the education establishment's attendance register;
 - the student has not returned to the education establishment for the new term or semester;
 - the education establishment has no record of the student under the name given;

- the student has not paid the education establishment their fees by the agreed date and the education establishment has suspended them;
 - the student has been reported to the Home Office under the ten day rule;
 - the education establishment is a recognised college or university and the student has failed to make the agreed contact as stated in the Points Based System (PBS) as specified by the Home Office .
27. If at any time the education establishment is no longer eligible to be registered, TfL must be informed immediately in writing. Such correspondence should be sent to: 18+ Scheme Manager, TfL, 14 Pier Walk, North Greenwich, London, SE10 0ES.
28. An education establishment's registration will be cancelled with retrospective effect from the date on which the establishment became ineligible for registration. In addition, TfL may also stop any 18+ Student Oyster photocard approved by the education establishment. The education establishment is responsible for informing its students of any such cancellation.
29. TfL must be informed if there is any change to the education establishment's details. If the details of an online approver need to be changed, TfL must be contacted before any applications are authorised by the new online approver. Failure to do so will result in applications being rejected.
30. If an education establishment refers to the Scheme in its promotional material, it must fully acknowledge that TfL provides and runs the Scheme. Any such promotional material must not suggest in any way that the education establishment provides or runs the Scheme or the 18+ Student-rate travel concession. Unless made freely available by TfL, the use of TfL logos/images is strictly prohibited without prior written permission from TfL.
31. If an education establishment refers to the Scheme in its promotional material, TfL may require that the wording be modified to ensure accuracy and consistency.
32. The education establishment must not, when administering the Scheme, or by any other act whether related or unrelated to its registration under the Scheme, do anything which would bring TfL into disrepute or affect the integrity of the Scheme. This includes, but is not limited to, removal from the Home Office Register of Licensed Sponsors (Tier 4) or where an education establishment is found to be misleadingly advertising its accreditation credentials. The education establishment must inform TfL if it becomes subject to a relevant investigation or action is undertaken in respect of the establishment.
33. The educational establishment must inform TfL within 24 hours of becoming aware of any unlawful or unauthorised access, or disclosure, or damage, destruction or loss to any personal data relating to the Scheme. The educational establishment will keep TfL properly and regularly informed consequently; and cooperate with the reasonable instructions of TfL in relation to resolving any incident or data breach.

34. Depending on the circumstances of any security incident or data breach as described above, TfL may report it to the Information Commissioner's Office and/or the police or other regulatory body as appropriate.

Section 5- Enforcement

1. TfL may suspend or revoke an education establishment's registration if it breaches any of these Terms and Conditions.
2. Possible breaches include, but are not limited to:
 - Approving a course end date that is later than the actual end date of the student's course;
 - Failure to maintain a Tier 4 Sponsor status or Probationary Sponsor status awarded by the Home Office;
 - Providing the 18+ Student-rate travel concession to students who do not qualify because they are not registered with the education establishment or who do not meet the eligibility criteria;
 - Charging students for the 18+ Student-rate travel concession;
 - Failure to adhere to TfL's notices or warnings, including TfL's requests for the education establishment to let TfL know when a student has dropped out so that TfL can withdraw the concession;
 - Failure to comply with the requirement to conduct the Autumn/first Term and Spring/second Term eligibility reporting within the given timelines and any others when requested;
 - Failing to update TfL if Primary Contacts, Secondary Contacts or Online Approvers change or are no longer authorised to authenticate applications;
 - Misuse of the InNovator database and/or data held within it.
3. If TfL revokes the education establishment's registration, no further applications for the 18+ student Oyster photocard may be processed. All notices, advertisements and leaflets, electronic or otherwise, containing information about the Scheme must be removed by the education establishment within 21 days of receiving notification of revocation. The education establishment must contact all students who already hold an 18+ Student Oyster photocard and inform them that their photocard may be stopped.
4. These Terms and Conditions are without prejudice to any other right of action or remedy which has accrued or shall accrue to TfL.
5. The Contracts (Rights of Third Parties) Act 1999 applies so that TfL and/or any of its subsidiaries from time to time have the right to enforce any of these Terms and Conditions to the extent that such Terms and Conditions confer a benefit or purport to confer a benefit on each such body. Otherwise, no third party has any right under the Contracts (Rights of Third Parties) Act 1999 to enforce any of these Terms and Conditions notwithstanding that any such Term or Condition may purport to confer or may be construed as conferring a

benefit on such third party. This does not affect any right or remedy of such third party which exists or is available apart from under that Act.

6. These Terms and Conditions shall be governed by and construed in accordance with English Law and are subject to the exclusive jurisdiction of the English Courts.

Privacy Notice

The education establishment must comply with data protection legislation at all times when administering personal data in respect of the 18+ Oyster student photocard. Whenever the establishment processes any personal data as defined in data protection legislation on behalf of TfL, the data must only be processed in accordance with these Terms and Conditions and any other instructions that TfL may give from time to time.

TfL, its subsidiaries and service providers will use the personal data of the primary and secondary contacts and online approvers for the purposes of customer services and administration and fraud prevention. Any personal information will be properly safeguarded and processed in accordance with the requirements of data protection legislation. In certain circumstances, TfL may share personal information with the police and other law enforcement agencies for the purposes of the prevention or detection of crime.

Appendix A: student eligibility criteria

Full time student eligibility criteria

1. The Scheme is only available to you if you are:
 - A student aged 18 or over;
 - Attending a participating education establishment that is registered with TfL on the Scheme;
 - Resident in a London borough during term time; and
 - Enrolled on a full-time course including at least 15 tuition-led or structured learning¹ hours a week (with attendance at scheduled classes being Monday to Friday only, and not including evening classes) that spans a minimum period of 14 weeks on the same course (courses lasting less than 14 weeks which are repeated so that the total is 14 or more weeks are not eligible) or
 - A full time student receiving NHS bursary money²; or

¹ See footnote 1 on page 12

² See footnote 2 on page 12

- A full time postgraduate student (for example, studying or writing up for 15 or more hours a week); or
 - A sabbatical officer
2. If your education establishment is located outside Greater London, you are only eligible if you live in a London borough and regularly travel to and from the education establishment. The concession is not available to you if you don't reside in a London borough during term times and then return to reside in a London borough during, for example, the summer break.
 3. If your address changes and you cease to be a resident in a London borough during term time, the concession will no longer be available to you and your 18+ Student Oyster photocard will be stopped
 4. You are not eligible if you're studying on a distance or an online course.
 5. If you are undertaking on the job training with an employer who pays your wages you are not eligible for the Scheme. If you are on an Apprenticeship you may be eligible for the Apprentice Oyster photocard scheme. For more information visit tfl.gov.uk/apprenticeoyster.
 6. You are not eligible if you already have a valid Oyster photocard, a Disabled Freedom Pass or a Bus & Tram Discount photocard.

Part time student eligibility criteria

1. The Scheme is only available to you if you are
 - A part time student aged 18 or over; and
 - Attending a participating education establishment that is registered with TfL on the Scheme; and
 - Resident in a London borough during term time and
 - Enrolled on a part-time course that spans a minimum period of at least 14 weeks (courses lasting less than 14 weeks which are repeated so that the total is 14 or more weeks are not eligible); and either
 - A part time student receiving NHS bursary money³;

Or

 - A part-time postgraduate student receiving financial help from your education establishment's hardship fund.
2. Talk to your education establishment before you apply if you are unsure whether you are eligible.

³ See footnote 2 on page 12
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3. If your education establishment is located outside Greater London, you are only eligible if you live in a London borough and regularly travel to and from the education establishment. The concession is not available to you if you don't reside in a London borough during term times and then return to reside in a London borough during, for example, the summer break.
4. If your address changes and you cease to be a resident in a London borough during term time, the concession will no longer be available to you and your 18+ Student Oyster photocard will be stopped
5. You are not eligible if you're studying on a distance or an online course.
6. Part-time students who were in receipt of the full government funded tuition grant before 1 September 2012 and issued with multi-year 18+ Student Oyster photocards that have not yet expired may continue to use their photocards subject to these terms and conditions.
7. If you are undertaking on the job training with an employer who pays your wages you are not eligible for the Scheme. If you are on an Apprenticeship you may be eligible for the Apprentice Oyster photocard scheme. For more information visit tfl.gov.uk/apprenticeoyster
8. You are not eligible if you already have a valid Oyster photocard, a Disabled Freedom Pass or a Bus & Tram Discount photocard.

Work placement student eligibility criteria

1. The Scheme is open to you if you are:
 - Aged 18 or over; and
 - On mandatory work placement in London; and
 - Registered with an education establishment and enrolled on a full-time course including at least 15 tuition-led and/or structured learning⁴ hours a week (with attendance at scheduled classes being Monday - Friday only, and not including evening classes) that spans a minimum period of 14 weeks (courses lasting less than 14 weeks which are repeated so that the total is 14 or more weeks are not eligible); and
 - On a placement which is an integral and essential part of your course; and
 - On a placement in London for a minimum period of 14 weeks; and
 - Still under the pastoral care of your education establishment
 - Resident in a London borough for the duration of your work placement

2. If your address changes and you cease to be a resident in a London borough during term time, the concession will no longer be available to you and your 18+ Student Oyster photocard will be stopped

⁴ See footnote 1 on page 12

3. An 18+ Student Oyster photocard will only be issued on submission of a correctly completed online application, a photograph (a photograph including graphics and / or filters will not be accepted), payment of the non-refundable administration fee and an original Placement Authority letter from your education establishment.
4. Your Placement Authority letter from your education establishment must:
 - Be an original copy;
 - Be on your education establishment's letter headed paper;
 - Confirm you are enrolled on a full-time course consisting of 15 or more tuition-led and/or structured learning hours a week that spans a minimum period of 14 weeks (courses lasting less than 14 weeks which are repeated so that the total is 14 or more weeks are not eligible);
 - Provide details of your placement and its start and end dates; and
 - Be signed by a person in authority, for example registrar/bursar/university secretary/head of student services.
5. If your Placement Authority letter does not contain all the information we need your application will be rejected.
6. If you are undertaking on the job training with an employer who pays your wages you are not eligible for the Scheme. If you are on an Apprenticeship you may be eligible for the Apprentice Oyster photocard scheme.
7. You are not eligible if you already have an Oyster photocard, a Disabled Freedom Pass or a Bus & Tram Discount photocard.

Footnotes

1. Does not have to be contact hours, but can be the time a student spends working towards a piece of work which is part of their assessment. Many colleges have an expectation of the ratio of contact hours to structured learning hours. For example, if you spend 10 hours a week in a classroom you may be required to spend 20 hours a week in structured learning to support those contact hours. Hours spent on placement do not count towards tuition-led or structured learning hours.
2. You must provide satisfactory evidence of your sponsorship to your education establishment before the establishment's authorised online user validates the application.