

## 1. Policy

IH maintains a systematic record management system that supports the student's timely access to records and is compliant with the regulatory requirements for processing circumstances that affect the student's enrolment.

## 2. Organisational Scope

These processes apply to all courses for learners on student visas

## 3. Regulation

### ESOS Act 2000 National Code 2017

#### Standard 3 – Formalisation of enrolment

Outcome of Standard 3: Written agreements between registered providers and students set out the services to be provided, fees payable and information in relation to refunds of course money.

3.1 The registered provider must enter into a written agreement with the student, signed or otherwise accepted by that student (or the student's parent or legal guardian if the student is under 18 years of age), concurrently with or prior to accepting course money from the student. The agreement must:

- a. identify the course or courses in which the student is to be enrolled and any conditions on his or her enrolment
- b. provide an itemised list of course money payable by the student
- c. provide information in relation to refunds of course money
- d. set out the circumstances in which personal information about the student may be shared between the registered provider and the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager. This information includes personal and contact details, course enrolment details and changes, and the circumstance of any suspected breach by the student of a student visa condition, and
- e. advise the student of his or her obligation to notify the registered provider of a change of address while enrolled in the course.

3.2 The registered provider must include in the written agreement the following information, which is to be consistent with the requirements of the ESOS Act, in relation to refunds of course money in the case of student and provider default:

- a. amounts that may or may not be repaid to the student (including any course money collected by education agents on behalf of the registered provider)
- b. processes for claiming a refund
- c. a plain English explanation of what happens in the event of a course not being delivered, and
- d. a statement that "This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws".

#### Standard 7 – Transfer between registered providers

Outcome of Standard 7: Registered providers assess requests from students for a transfer between registered providers prior to the student completing six months of the principal course of study in accordance with their documented procedures.

7.1 The receiving registered provider must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where:

- a. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
- b. the original registered provider has provided a written letter of release

- c. the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course, or
- d. any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

7.2 The registered provider must have and implement its documented student transfer request assessment policy and procedure, which is available to staff and students. The policy must specify:

- a. the circumstances in which a transfer will be granted
- b. the circumstances the registered provider considers as providing reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student, and
- c. a reasonable timeframe for assessing and replying to the student's transfer request having regard to the restricted period.

7.3 The registered provider must grant a letter of release only where the student has:

- a. provided a letter from another registered provider confirming that a valid enrolment offer has been made, and
- b. where the student is under 18;
  - i. the registered provider has written confirmation that the student's parent or legal guardian supports the transfer, and
  - ii. where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger students).

7.4 A letter of release, if granted, must be issued at no cost to the student and must advise the student of the need to contact DIBP to seek advice on whether a new student visa is required.

7.5 Where the registered provider does not grant a letter of release, the student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal the registered provider's decision in accordance with Standard 8 (Complaints and appeals).

7.6 The registered provider must maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file.

### Standard 13 – Deferring, suspending or cancelling the student's enrolment

Outcome of Standard 13: Registered providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

13.1 The registered provider must have in place documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student's file of the assessment of the application.

13.2 The registered provider can only defer or temporarily suspend the enrolment of the student on the grounds of:

- a. compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes), or
- b. misbehaviour by the student.

13.3 The registered provider must:

- a. inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa, and
- b. notify the Secretary of DET via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.

13.4 The registered provider must inform the student of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and notify the student that he or she has 20 working days to access the registered provider's internal complaints and appeals process as per Standard 8.1. If the student accesses the registered provider's internal complaints and appeals process, the suspension or cancellation of the student's enrolment under this standard cannot take effect

until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

#### 4. General Principals

**4.1** IH ensures compliance with the ESOS National code requirements for student enrolment through thorough and careful record management at all times

**4.2** A student management system is used to collect, record and access student information affecting his/her enrolment and course progress

**4.3** The administration of student records and the details included are held securely and treated with confidentiality

#### 5. Procedure

**5.1** Enrolment applications are received and course entry requirements assessed.

- Evidence must be provided appropriate to each course entry requirement to achieve assessment approval.
- Entry Requirement Assessment

Enrolment applications are not accepted without appropriate supporting documentation. All International students are required to submit the following with their application form:

- an authorised copy of their passport/visa
- evidence of English proficiency
- evidence of proof of age over 18 years
- evidence of qualification or vocational experience as required for course entry
- CT or RPL documents if applicable
- Letter of Release if transferring from another provider within 6 months of commencement of the principal course

**5.2** A written agreement is provided to the student that is signed and held on file

- The written agreement includes all information specified in the governing regulation including the following:
  - The enrolled courses and any conditions that apply
  - An itemised list of course money payable by the student
  - Refund Policy
  - The fact that personal information about the student may be shared between the registered provider and the Australian Government and designated authorities
  - a plain English explanation of what happens in the event of a course not being delivered, and
  - a statement that “This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia’s consumer protection laws”.

**5.3** Transfer from Provider Assessment

- If a student applies for a course and is currently studying on-shore with another registered provider.
- Assessment is made to ascertain if the length of studies completed in the student’s current Principal course of study is greater than 6 months.
  - Assessment may include review of visa issue dates, arrival stamps in applicant Passport, and/or transcript details
  - Attempt to create the CoE for the applicant noting the PRISMS response that is initiated if the applicant has not completed 6 months of his/her principal course

- If the applicant has completed more than 6 months of their principal course of study, the application process proceeds as for all off-shore students.
- Where an applicant has **NOT** completed 6 months of their principal course of study, they are asked to provide an appropriate letter of release in support of their application.
- To support the application they can be provided with a 'Conditional' Letter of Offer which clearly states that an offer of a place is contingent on their obtaining a letter of release. *Note if they are in receipt of a Government scholarship, they should provide written support from this government agreeing to the change which will stand in lieu of any letter of release.*
- If such a letter of release is received and the student has no outstanding fees to be paid to the prior institution or other outstanding matters of concern, the application proceeds as for all off-shore applicants.
- If no satisfactory letter of release is obtained from such students, the application process is halted and the student informed that they are unable to transfer at this time. They are welcome to re-activate their application when the 6 month period has passed.
- Note that in the circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue with the course, no letter of release is required. Evidence of this occurrence would need to be placed in the student file.

**5.4 All amendments or changes to a student enrolment must be handled formally in writing.**

- Amendments can be deferral, suspension or cancellation of the enrolment; these can be initiated by the student or by IH.
- **Circumstances - Student Initiated**

Amendments must be requested and authorised formally, using the appropriate form on the following grounds:

**Deferral – applies only before the enrolment has started if the student wants to delay the start date and has already completed enrolment.**

**Suspension – applies during course studies but can only be granted under compelling and compassionate circumstances.**

**Cancellation – is either withdrawing from the course or requesting a transfer of provider.**

**Cancelling a course to go to another provider within 6 months of starting the principal course of enrolment with a provider is subject to conditions – Please see the information on *Transfer between Providers* for details.**

- **Refunds for cancellation have conditions – Please see the *IH Refund Policy* for details**
- Deferring, suspending or cancelling a student enrolment may affect the student visa.

- **Circumstances - Provider Initiated**

Deferral – applies if the course start date any time before commencement is delayed.

This is subject to the refund conditions

Please see the IH Institute Pty Ltd Refund Policy for details

Suspension – applies after the student has commenced course – and can only be done

in the case of compelling or compassionate circumstances or In the case of misbehaviour by a student

Cancellation – applies after the student has commenced course – and can only be done In the case of misbehaviour by a student

Cancellation of enrolment may be initiated by the provider in the case of a breach of Student Visa conditions, for information on these circumstances please see the appropriate policy and procedures

Failing to meet Course Progress Requirements – See IH Course Progress and Course Completion Procedure

**In all cases student enrolment is maintained until the appeal process is complete.**

**Approving**

When determined that the request/action is approved, the student will be advised in writing of the decision which includes notification to the student that deferring, suspending or cancelling his or her enrolment may affect their student visa

**Recording**

Request/Action information and dates are recorded in the Student Management System  
Documentary evidence of the assessment of the application and copy of the outcome advice is kept on the student’s file.

**Reporting**

PRISMS is to be advised on all variations to student enrolments as follows  
PRISMS Advice: Giving information about accepted students

1. A registered provider must give the Department of Education the following information within 14 days after the event specified below occurs:

- (a) the name and any other prescribed details of each person who becomes an accepted student of that provider;
- (b) for each person who becomes an accepted student—the name, starting day and expected duration of the course for which the student is accepted;
- (c) the prescribed information about an accepted student who does not begin his or her course when expected;
- (d) any termination of an accepted student’s studies (whether as a result of action by the student or the provider or otherwise) before the student’s course is completed;
- (e) any change in the identity or duration of an accepted student’s course;
- (f) any other prescribed matter relating to accepted students.

2. A registered provider must give the Secretary particulars of any breach by an accepted student of a prescribed condition of a student visa as soon as practicable after the breach occurs.

**6. Associated Documentation**

Form	Current Version