Job ready training, today.

VET FEE-HELP Special Circumstances and Review Policy

Australis College
RTO Number 31518

VISION
To be Australia’s most trusted RTO.

MISSION
To provide exceptional industry-relevant training that creates real employment outcomes for our students.

VALUES
Student-focused | Innovation | Courage | Quality | Learning | Accountability | Health & Wellbeing

APPROVAL AND AUTHORISATION
Completion of the following signature blocks signifies whom is responsible for the creation, implementation, review and approval of this Policy.

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SUMMARY OF REVISIONS

Australis College is committed to maintaining systematic control over its documentation. This includes the accurate recording of amendments and versions of documents through the Version Control Register SmartSheet (https://app.smartsheet.com/b/home).

A copy of this register is downloaded regularly and can be accessed via Z:\POLICIES & PROCEDURES\VERSION CONTROL REGISTER_SMARTSHEET DOWNLOAD.

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PURPOSE

The policy provides a broad framework, set of principles and minimum requirements for:

- Circumstances under which a student may seek remission of debt or refund of fees under special consideration or
- Other circumstances where the application of the College policies requires consideration of special circumstances.

SCOPE

This policy applies to students who have qualified to have their tuition fees paid under the VET FEE-HELP Assistance scheme and wish to apply for a refund of these fees due to the Special Circumstances as outlined in this Policy.

LEGISLATIVE CONTEXT

Higher Education Support Act 2003

Fit and Proper Person Specified Matters 2012

VET Guidelines 2013

National Vocational Education and Training Regulator Act 2011

Standards for NVR Registered Training Organisations 2012

Tax file number guidelines 2011

Privacy Act 1988

Corporations Act 2001
POLICY STATEMENT

This policy applies to cases of special circumstances whereby a student for reasons beyond their control is seeking to withdraw without penalty due to an inability to continue with their studies. This specifies the circumstances from the Higher Education Support Act 2003, in which Australis College will be satisfied that special circumstances apply to the person that;

- Are beyond the person’s control (paragraph 36-21 (1) a of the Act).
- Do not make their full impact on the person until on or after the census date for the unit of study in question. (paragraph 36-21 (1) b of the Act) and
- Make it impracticable for the person to complete the requirements for the unit of study during the period which the person understood, or was to undertake, the unit (paragraph 36-21 (1) (c) of the Act).

Special Circumstances

1. General Guidelines

The College recognises that there may be times when a decision made by the College upon application of the relevant policy may require reassessment due to special circumstances.

Incurring a VET FEE-HELP Debt

A Student who is, or would be, eligible for VET FEE-HELP and has requested VET FEE-HELP Assistance, who withdraws from a unit of study on or before the census date will not incur a VET FEE-HELP debt for the tuition fees for that unit of study.

Students who have requested VET FEE-HELP Assistance who remain enrolled after the published census date will incur a VET FEE-HELP debt. A Student who withdraws from a Unit of study after the published census date for that unit of study will incur a VET FEE-HELP debt for that unit of study.

Re-crediting a FEE-HELP Balance

Students who withdraw from a unit of study after the published census date (or fail to complete a unit of study) may apply to have their VET FEE-HELP balance re-credited with respect to the unit if they believe special circumstances apply in accordance with the following procedures.

The College must be satisfied that a student’s circumstances are beyond their control (i.e. if a situation occurs which a reasonable person would consider is not due to the student’s action or inaction, either direct or indirect, and for which the person is not responsible).

Special circumstances MAY include:

- Medical reasons.
- Family/personal reasons.
- Employment-related reasons.
Special circumstances DO NOT apply to:

- A lack of knowledge or understanding of VET FEE-HELP requirements under the schemes.
- A normal change in work arrangements such as a change of shift or planned holiday.
- A person’s incapacity to repay a VET FEE-HELP debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances.

**Medical reasons**

Where the severity of a medical condition results in a student being unable to continue studying. A medical certificate to substantiate the claim and a completed Special Circumstances Application Form will be required which is available on the Australis College website [http://www.australiscollege.edu.au/students](http://www.australiscollege.edu.au/students).

**Family/personal reasons**

Due to unforseen personal/family reasons that occur or worsen after the last date to withdraw without penalty and that are *beyond your control*, you are unable to continue with your studies.

You will need to supply documentation from, for example, a family doctor or counsellor, to substantiate your claims and fill in the Special Circumstances Application Form. Available from the Australis College website [http://www.australiscollege.edu.au/students](http://www.australiscollege.edu.au/students).

**Employment-related reasons**

After the last date to withdraw without penalty, your employment status or arrangements change unexpectedly due to circumstances *beyond your control*, and you are unable to complete your studies.

You will need to supply a letter from your employer to substantiate your claims and fill in the Special Circumstances Application Form. Available from the Australis College website [http://www.australiscollege.edu.au/students](http://www.australiscollege.edu.au/students).

**Course-related reasons**

Where Australis College has changed the unit it has offered and the person is disadvantaged by not being able to complete the unit, or not being given credit towards other units or course. Available from the Australis College website [http://www.australiscollege.edu.au/students](http://www.australiscollege.edu.au/students).

2. **Applications for Remission of VET FEE-HELP Debt/Refund of Tuition Fees**

Special circumstances for the purposes of a remission of VET FEE-HELP debt or refund of tuition fees, are defined under the Higher Education Support Act (2003) and related guidelines, with strict requirements related to:

- When the circumstances occurred.
- When they affected the student.
- The timeframes in which students can apply for refund/remission of fees.
In order for an application for the remission of VET FEE-HELP debt or refund of tuition fees to be considered, it must meet all three elements of the Special Circumstances test as defined by HESA (2003) in the Policy statement above.

3. Supporting documentation

A student must provide original, independent documentation as part of any application due to special circumstances. The documentation must clearly indicate the following:

- The level of impact of the special circumstances.
- What the special circumstances were.
- When they occurred.
- How long they lasted.
- For applications relating to a remission/refund of debt, that the circumstances made their full impact on the student on, or after, the census date.

This documentation should include:

Medical reasons

- a statement from an appropriate health care practitioner that states:
  - The date your medical condition began.
  - How your condition affected your ability to study.
  - When it became apparent that you could not continue your studies.

Note: You should inform your doctor that the statement will be sent to the College in support of your application for a refund/remission/waiver under special circumstances.

Family/personal circumstances

A statement from a doctor, counsellor or independent member of the community, for example a Justice of the Peace or a Minister of Religion, stating:

- The date your family/personal circumstances began or changed.
- How your circumstances affected your ability to study.
- When it became apparent that you could not continue your studies.

Employment-related reasons

A statement from your employer stating:

- Your previous work hours and location.
- Your current work hours and location.
- The reason for changed hours and location.
4. **Application Process**

The student will be required to email quality@australiscollege.edu.au to obtain the appropriate form. This will need to be completed, together with the evidence required.

The Student Services Manager in conjunction with the General Manager of Operations at Australis College will assess applications for the refund of Tuition fees due to Special Consideration according to the quality of the independent supporting evidence provided by the student to substantiate their claim. The student will be provided with a decision in writing within 28 days of the submission of the application for assessment.

5. **Review of a Decision**

If the student is dissatisfied with the outcome, they may request a review of the decision to not re-credit their VET FEE-HELP balance. The student appealing must email quality@australiscollege.edu.au stating the reasons why they are asking for a review of the decision.

The Quality Assurance Officer (QAO) must forward this to the Review Officer (RO) within 28 days from the day the person first received notice of the original decision. The QAO must record all documentation and add the Appeal to the Complaints/Appeals Register.

The RO may be the Managing Director/Chief Executive Officer or a delegate appointed by the CEO that has not previously been involved in the original application decision. The RO must hold a higher position than the Manager who originally made the decision.

If the student requests an appeal to the decision within the 28 days the RO must:

- Reconsider the decision, and either:
  - Confirm the decision; or
  - Vary the decision, or
  - Set the decision aside and substitute a new decision.
- Notify the outcome to the person in writing outlining the reasons for the decision, the day it takes effect.
- Advise the student their right to appeal to the Administrative Appeals Tribunal and provide the contact details, address and approximate costs of an appeal.

If the student requests an appeal to the decision beyond the 28 day timeframe the Review Officer must:

- Decide whether to grant an extension to this period by reviewing any considerations received, such as an explanation as to why the appeal was not lodged within the timeframe.
- If the Review Officer decides not to grant an extension, the student will be advised in writing of the refusal and the criteria to which this decision was made. The RO in this circumstance will not need to assess the special circumstances test.
- The RO is obligated to inform the student of the opportunity to seek reconsideration by review with the Administrative Appeals Tribunal.
6. Appealing a Decision

A student may apply to the Administrative Appeals Tribunal (AAT) for a Review of Decision and they may supply additional information they did not supply to Australis College.


Brisbane Office

AAT Contact: 07 3361 3000 or 1300 366 700

Postal Address: Administrative Appeals Tribunal
GPO Box 9955
Brisbane Qld 4001

Address: Level 4, Harry Gibbs Building
Commonwealth Law Courts
119 North Quay (entry is from Tank Street)
Brisbane

Fees: [http://www.aat.gov.au/FormsAndFees/Fees.htm](http://www.aat.gov.au/FormsAndFees/Fees.htm)

DEFINITIONS

VFH Student (for purposes of this Policy) Refers to students, who are Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of study, and who access VET FEE-HELP for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.

Census date A published date, set by the provider, no earlier than 20% of the way through a VET Unit of Study.

Tuition Fees Fees paid for a VET Unit of Study that is approved for VET FEE-HELP and applies to students who are, or would be entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act.

Unit of VET Unit of Study A VET unit of study approved for VET FEE-HELP that a student may undertake with Australis College, for which the student may access VET FEE-HELP assistance to pay for all or part of their tuition fees.
REFERENCES/SUPPORTING DOCUMENTS

VFH Application for Special Circumstances Form
Request from student services. studentservices@australiscollege.edu.au

AAT Registry website

Australis College website
http://www.australiscollege.edu.au
**COMPREHENSION STATEMENT**

**Comprehension Statement**

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**Key Principles**

- Incurring a VET FEE-HELP Debt – Withdrawal from a unit of study on or before the census date will not incur a VET FEE-HELP Debt for the tuition fees for that unit of study. Withdrawal from a unit of study after the published census date for that unit of study will incur a VET FEE-HELP Debt for that unit of study.
- Re-crediting a VET FEE-HELP Balance – Students who withdraw from a unit of study after the published census date, or fail to complete a unit of study, may apply to have their VET FEE-HELP balance re-credited with respect to the unit if special circumstances apply.
- Special circumstances MAY include medical reasons, family/personal reasons, employment-related reasons or course-related reasons.
- In order for an application for the remission of VET FEE-HELP debt or refund of tuition fees to be considered, it must meet all three elements of the Special Circumstances test as defined by Higher Education Support Act (2003).
- Supporting documentation must be provided as part of any application due to special circumstances.
- The Student Services Manager in conjunction with the General Manager of Operations will assess such applications and the student will be provided with a decision in writing within 28 days of the submission of the application.
- If the student is dissatisfied with the outcome, they may request a review of the decision stating their reasons for the review. The student may apply to the Administrative Appeals Tribunal (AAT) for a Review of Decision and they may supply additional information they did not supply to Australis College.

**Declaration**

I have read and understood this SOP and related key principles.

Name: __________________________________________________________

Signature: _______________________________________________________

Date: ___________________________________________________________