

Special Circumstances and Review Policy

For VET Student Loans Students

Australis College Pty Ltd

RTO Number 31518

PURPOSE

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

- Circumstances under which a student may seek remission of a VET Student loan (FEE-HELP) 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 Student Loans scheme and wish to apply for a refund of these fees due to special circumstances as outlined in this policy.

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 VET Student Loans Act 2016, in which Australis College will be satisfied that special circumstances apply to the person that:

- Are beyond the person's control (Section 68 (3) (a));
- Do not make their full impact on the person until on or after the census date for the course, or part of the course (Section 68 (3) (b)); and
- Make it impracticable for the person to complete the requirements for the course, during the student's enrolment in the course, or part of the course (Section 68 (3) (c)).

This policy also provides information on re-crediting FEE-HELP balances outside of special circumstances.

Australis College will conduct Tuition Assurance processes and review of re-credit applications in a fair and non-discriminatory manner as per our Access and Equity Policy and Special Circumstances and Review Policy for VSL students.

1. GENERAL GUIDELINES

1.1 INCURRING A FEE-HELP DEBT.

- 1.1.1 A student who is eligible and approved for an approved course under VET Student Loans, and withdraws from a unit of study on or before the census date, will not incur a FEE-HELP debt for the tuition fees for that part of the course.

- 1.1.2** Students who remain enrolled after the published census date will incur a FEE-HELP debt. A student who withdraws from a course or a part of a course after the published census date will incur a FEE-HELP debt for that component of the course.

1.2 AUSTRALIS COLLEGE RE-CREDITING A FEE-HELP BALANCE.

- 1.2.1** The College must re-credit a student’s FEE-HELP balance if:
- The student applies to Australis College in writing for the re-credit (Section 68 (1) (a) of the Act); **AND**
 - The application is made within twelve (12) months after the census day for the course, or part of the course (Section 68 (1) (b) of the Act); **AND**
 - Australis College is satisfied that a student’s [special circumstances](#) prevented, or will prevent the student from completing the requirements for the course, or part of the course (Section 68 (1) (c) of the Act).
- 1.2.2** The amount re-credited must equal the amount of the VET loan that was used to pay the students tuition fees for the course, or part of the course.
- 1.2.3** A student’s FEE-HELP balance must be re-credited by Australis College should it cease to provide the course, or part of the course, after it commenced, but before completion where the student has not yet completed the requirements for the course, or where it is impractical for the student under the tuition assurance arrangement to finish the course, or an equivalent course.
- 1.2.4** Students who withdraw from a course or part of a course after the published census date (or fail to complete a component of the course) may apply to have their FEE-HELP balance re-credited for the course, or part of the course, if [special circumstances](#) apply in accordance with this policy.

1.3 THE SECRETARY RE-CREDITING A FEE-HELP BALANCE.

- 1.3.1** Under Section 89 of the Rules; if a student believes that the College or a person acting on its behalf has engaged in [unacceptable conduct](#) with their VET Student loan application, they can apply to the Secretary to have their FEE-HELP balance re-credited under Section 71 of the Act.
- 1.3.2** A student who believes that the College has not complied with the VET Student Loan Act or any instrument under the Act, can also apply to the Secretary to have their FEE-HELP balance re-credited under Section 71 of the Act.
- 1.3.3** Students are to be aware that they must apply to the Secretary within five years after the census day for the course or part of the course concerned, or within that period as extended by the Secretary, to have their FEE-HELP balance credited.
- 1.3.4** Under Section 71 (3) of the Act, the Secretary may re-credit a FEE-HELP balance if the Secretary is satisfied with one of more of the following. Students may not have applied for re-credit for this section to apply:
- a) The student is not an eligible student;
 - b) The student is not a genuine student;
 - c) The student does not have a tax file number;
 - d) The student does not have a student identifier.

- 1.3.5** The Secretary may re-credit the FEE-HELP balance of a student in relation to special circumstances where the College has failed to act, and the Secretary is satisfied that this failure has been unreasonable; or where the College is unable to act or is in the process of being dissolved or wound up.

1.4 SPECIAL CIRCUMSTANCES.

- 1.4.1** Australis College will determine where special circumstances have made it impracticable for the student to complete the course, or part of the course because of, but not limited to:

- Medical reasons.
- Family/personal reasons.
- Employment-related reasons.

- 1.4.1.1** In considering these circumstances Australis College will consider whether the student could meet course requirements through:

- Private study.
- Attending training sessions and other activities.
- Engaging online.
- Completion of assessments, or demonstration of competencies.

- 1.4.1.2** Special circumstances DO NOT apply to:

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

1.5 SPECIAL CIRCUMSTANCES APPLICATION FORM AND SUPPORTING DOCUMENTATION.

- 1.5.1** Students must contact Student Services on student.services@australiscollege.edu.au or call 1300 887 991 to request a VET Student Loan Special Circumstances Application Form.

- 1.5.2** They must complete this form, and provide supporting documentation should their special circumstances fall under the following one (1) or more categories:

- [Medical reasons](#).
- [Family/personal reasons](#).
- [Employment-related reasons](#).
- [Course-related reasons](#).

- 1.5.3** 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.

1.6 MEDICAL REASONS.

1.6.1 Where the severity of a medical condition results in a student being unable to continue studying.

1.6.2 SUPPORTING DOCUMENTATION.

1.6.2.1 A statement from an appropriate health care practitioner that states:

- The date the medical condition began.
- How the condition affected the student’s ability to study.
- When it became apparent that the student could not continue their studies.

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

1.7 FAMILY/PERSONAL REASONS.

1.7.1 Due to unforeseen personal/family reasons that occur or worsen after the last date to withdraw without penalty and is ***beyond the student’s control***, resulting in the inability to continue with studies.

1.7.2 SUPPORTING DOCUMENTATION.

1.7.2.1 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 family/personal circumstances began or changed.
- How these circumstances affected the student’s ability to study.
- When it became apparent that the student could not continue their studies.

1.8 EMPLOYMENT-RELATED REASONS.

1.8.1 After the last date to withdraw without penalty, the student’s employment status or arrangements change unexpectedly due to circumstances ***beyond the student’s control***, resulting in the inability to continue with studies.

1.8.2 SUPPORTING DOCUMENTATION.

1.8.2.1 A statement from the student’s employer stating:

- Previous work hours and location.
- Current work hours and location.
- The reason for changed hours and location.

1.9 COURSE-RELATED REASONS.

- 1.9.1** 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.

2. APPLICATION PROCESS

- 2.1** The student will be required to email Student Services on student.services@australiscollege.edu.au or phone on 1300 887 991 to obtain the appropriate form. This will need to be completed, together with the evidence required.
- 2.2** The Student Services Manager in consultation with the Chief Operations Officer at Australis College will assess applications for the refund of tuition fees due to special circumstances 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 including reasons for the decision within twenty-eight (28) calendar days of the submission of the application for assessment.
- 2.3** Students are to declare on the VET Student Loan Special Circumstances Application Form that the information submitted is true, correct and complete. Any submission of falsified evidence to support their application is classed as major misconduct (refer to the Student Code of Conduct Policy) and carries the following penalties if substantiated:
- Application for special circumstances immediately denied.
 - Prohibited from future enrolments with the College.
 - Unable to access the Complaints, Grievances and Appeals processes.
 - Falsified evidence may be provided to the Department and the police.

3. REVIEW OF DECISION

- 3.1** If the student is dissatisfied with the outcome, they may request a review of the decision within twenty-eight (28) calendar days from the day the person first received notice of the original decision (excluding any students that submit false documentation that is substantiated in support of their application.) The student appealing must email quality@australiscollege.edu.au stating the reasons why they are asking for a review of the decision.
- 3.2** Quality must forward this to the Review Officer recording all documentation and add the appeal to the Quality Notification Register. The Review Officer will be required to close out the Quality Notification Register upon finalisation of the review.
- 3.3** The Review Officer may be the Managing Director or a delegate appointed by the Managing Director that has not previously been involved in the original application decision. The Review Officer must hold a higher position than the Manager who originally made the decision.
- 3.4** If the student requests an appeal to the decision within the twenty-eight (28) calendar days the Review Officer 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 within twenty-eight (28) calendar days outlining the reasons for the decision and 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. Aside from costs from the Administrative Appeals Tribunal, there is no cost to the student for a reconsideration or review of a decision.

3.5 If the student requests an appeal to the decision beyond the twenty-eight (28) calendar 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 Review Officer in this circumstance will not need to assess the special circumstances test.

3.6 The Review Officer is obligated to inform the student of the opportunity to seek reconsideration by review with the Administrative Appeals Tribunal (AAT).

4. APPEALING A DECISION

4.1 A student may apply to the AAT for a Review of Decision, and they may supply additional information they did not supply to Australis College.

AAT website <http://www.aat.gov.au/contact-us>

Fees <http://www.aat.gov.au/FormsAndFees/Fees.htm>

5. COMMUNICATION, TRAINING AND RECORDKEEPING

5.1 *For internal use only* - refer to the Communication, Training and Recordkeeping Procedure.

6. ABBREVIATIONS

6.1 ASQA – the Australian Skills Quality Authority.

6.2 AAT – Administration Appeals Tribunal.

6.3 VET – Vocational Education and Training.

6.4 FEE-HELP – Student Loan debt incurred to Commonwealth arising from payment for tuition fees for a part of an approved VET Student Loan course with an approved provider.

7. REFERENCES/SUPPORTING DOCUMENTS/DEFINITIONS

7.1 A list of applicable legislation is detailed within the *legislation tab* in the Quality Management Register.

7.2 **VET Student Loan student** (for purposes of this policy) refers to students, who are Australian citizens, Permanent humanitarian visa holders or qualifying New Zealand citizens (eligibility criteria applies) who will be resident in Australia for the duration of their VET Units of study, and who access VET Student Loans for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.

7.3 **Census date** is a published date, set by the provider, no earlier than 20% of the way through an approved course. There are at least three (3) census dates for a course.

- 7.4 Tuition fees** are fees paid for the eligible student by the Commonwealth in a VET Unit of Study for an approved course with an approved VET Student Loan provider under the VET Student Loans Act 2016.
- 7.5 Unit of VET Unit of Study** is a VET unit of study approved for VET Student Loans that a student may undertake with Australis College, for which the student may access VET Student Loans to pay for all or part of their tuition fees.
- 7.6 Unacceptable Conduct (as per the VET Student Loans Rules)** in relation to an application for a VET student loan for an approved course provided, or to be provided, by an approved course provider:
- unconscionable conduct (whether or not a particular individual is identified as having been disadvantaged by the conduct);
 - misleading or deceptive conduct;
 - the making of a representation with respect to any future matter, such as the doing of, or the refusing to do, any act, if the maker of the representation does not have reasonable grounds for making the representation;
 - advertising tuition fees for the course where there are reasonable grounds for believing that the provider will not be able to provide the course for those fees;
 - use of physical force, or harassment or coercion, in connection with the application or enrolment in the course.
- Paragraphs (1) (a), (b), (c), (d) and (e) do not limit one another.
- 7.7** VET Student Loan Application for Special Circumstances Form.
- 7.8** VSL Special Circumstances Review Outcome Form.
- 7.9** VET Student Loan Statement of Tuition Assurance.
- 7.10** VET Student Loan Tuition Assurance Policy.
- 7.11** [AAT Registry website](#).
- 7.12** Quality Notification Register.

APPROVAL AND AUTHORISATION

Completion of the following signature blocks signifies who is responsible for the creation, implementation, review and approval of this policy.

	Name	Job title	Date
Prepared by	Sharleen Ejlertsen	Quality Assurance Officer	11/01/2017
Owned by	Erin Threlfall	Student Services Manager	11/01/2017
Approved by	Erin Threlfall	Student Services Manager	11/01/2017

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 Quality Management Register.

This policy document will be reviewed two years from its effective date or sooner as required.

Effective Date	Name	Job Title	Version Number
11/01/2017	Sharleen Ejlertsen	Quality Officer	1.0
20/01/2017	Sharleen Ejlertsen	Quality Officer	1.1
16/04/2018	Sharleen Ejlertsen	Quality Officer	1.2
12/06/2018	Sharleen Ejlertsen	Quality Officer	1.3
21/08/2018	Sharleen Ejlertsen	Quality Officer	1.4
05/02/2019	Lisa Street	Quality Auditor	2.0