

VSL Special Circumstances and Review Policy and Procedure

Policy Owner: Managing Director

PURPOSE

To provide a consistent framework aligned with the VET Student Loans Act 2016 for determining:

- Circumstances under which a student may seek remission of a VET Student Loan (VETSL) debt or refund under special consideration, or
- Other circumstances that may require consideration of special circumstances.

Australis College will review special circumstances applications in a fair and non-discriminatory manner as per this policy and the Access and Equity Policy.

SCOPE

This policy applies to cases of special circumstances where a student for reasons beyond their control seeks to withdraw without penalty due to an inability to continue with their studies.

Applies to students intending to apply for special circumstances, and College employees who receive and assess applications according to the criteria outlined in this policy.

POLICY

1. GENERAL GUIDELINES

INCURRING A VET STUDENT LOAN (VETSL) DEBT.

- A student accessing VSL who withdraws from a unit of study on or before a census date will not incur a VETSL debt for that part of the course.
- Students who pass the census date without withdrawing, or being cancelled by the College, will incur a VETSL debt. A student who withdraws from a course or a part of a course after the published census date will incur a VETSL debt for that component of the course.

SPECIAL CIRCUMSTANCES CRITERIA.

- Under the VET Student Loans Act 2016, Australis must 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 VETSL balances outside of special circumstances.

AUSTRALIS RE-CREDITING A FEE-HELP BALANCE.

- Under Part 6 of the VET Student Loans Act, a student's VETSL balance can be re-credited.
- The College must re-credit a student's VETSL balance if:
 - The student applies to Australis in writing for the re-credit (Section 68 (1) (a) of the Act); **AND**

- The application is made within 12 months after the census day for the course, or part of the course (Section 68 (1) (b) of the Act); **AND**
- Australis is satisfied [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).
- The amount re-credited must equal the amount of the VETSL used to pay the students tuition fees for the course, or part of the course.
- A student's VETSL balance must be re-credited by Australis should it cease to provide the course, or part of the course, once commenced but prior to the completion date 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.
- 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 VETSL balance re-credited for the course, or part of the course, if [special circumstances](#) apply in accordance with this policy.

THE SECRETARY RE-CREDITING A FEE-HELP BALANCE.

- 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](#), or not complied with the VET Student Loan Act, or any instrument under the Act with their VSL application, they can apply to the Secretary to have their VETSL balance re-credited under Section 71 of the Act.
- Students 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 balance credited.
- Under Section 71 (3) of the Act, the Secretary may re-credit a VETSL 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.
- The Secretary may re-credit the VETSL balance of a student in relation to special circumstances where the College has failed to act and the Secretary is satisfied this failure has been unreasonable; or where the College is unable to act or is in the process of being dissolved or wound up.

2. SPECIAL CIRCUMSTANCES

- Australis 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.
- In considering these circumstances Australis 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.
- 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 taking holidays.
 - A person's incapacity to repay a VETSL debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances.

3. APPLICATION PROCESS

- Students need to email student.services@australiscollege.edu.au or phone 1300 887 991 to obtain the appropriate form. This needs to be completed and submitted with relevant evidence.
- The Student Services Manager will assess applications based on the submission and supporting evidence provided by the student. The Chief Operations Officer may be consulted during this process. The student will be provided with a written decision including reasons within 28 calendar days of receipt of the completed submission.
- Students must declare on the VSL Special Circumstances Application Form that the information submitted is true, correct and complete. Submission of falsified evidence 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.

4. REVIEW OF DECISION

- If the student is dissatisfied with the outcome, they may request a review within 28 calendar days of the day they received notice of the original decision. The appeal must be emailed to quality@australiscollege.edu.au stating the reasons why they are requesting review. Any student who submits falsified evidence is not able to use the review process.

5. APPEALING A DECISION

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

Website

<https://www.aat.gov.au/contact-us>

Fees

<https://www.aat.gov.au/apply-for-a-review/other-decisions>

PROCEDURE

1. SPECIAL CIRCUMSTANCES APPLICATION FORM.

- 1.1 Students must email student.services@australiscollege.edu.au or call 1300 887 991 to request a VSL Special Circumstances Application Form.
- 1.2 They must complete this form, and provide supporting documentation should their special circumstances fall under the following one or more categories:
 - [Medical reasons](#).
 - [Family/personal reasons](#).
 - [Employment-related reasons](#).
 - [Course-related reasons](#).

2. ORIGINAL SUPPORTING DOCUMENTATION GUIDELINES.

- 2.1 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.

3. MEDICAL REASONS.

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

3.2 SUPPORTING DOCUMENTATION.

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 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.

4. FAMILY/PERSONAL REASONS.

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

4.2 SUPPORTING DOCUMENTATION.

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 the student could not continue their studies.

5. EMPLOYMENT-RELATED REASONS.

5.1 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.

5.2 SUPPORTING DOCUMENTATION.

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.

6. COURSE-RELATED REASONS.

6.1 Where Australis 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.

7. SPECIAL CIRCUMSTANCES APPLICATION FORM.

7.1 The completed VSL Special Circumstances Application Form and supporting evidence are to be emailed to student.services@australiscollege.edu.au.

7.2 The Student Services Manager will assess the application and evidence to determine whether the student meets the special circumstances requirements for a full or partial fee refund. As required, they may consult with the Chief Operations Officer during this process.

7.3 Evidence and statements supplied may be investigated further to confirm authenticity and/or to clarify anything that may be unclear. Where untrue or false documents have been submitted the special circumstances application will automatically be denied. Further [penalties](#) may apply.

- 7.4** The outcome of the application will be provided in writing, with reasons for or against the application clearly noted.
- Where their application has been denied, students will be advised they can lodge a review of a decision (refer to [Review of a decision](#)).
 - Where approved, Student Services will make arrangements for the refund.

8. STUDENT SERVICES RECORDKEEPING.

- 8.1** The following is to be recorded in the student’s training record on the Student Management System:
- All special circumstances requests – whether asked over the phone or via email.
 - Received special circumstances forms and supporting evidence.
 - The outcome of the request, including details on how the outcome decision was reached.
 - Any responses to special circumstance responses, including indication of a review. Where a review is mentioned, Student Services is to inform Quality.

9. REVIEW OF A DECISION.

- 9.1** Where the student disagrees with the decision made, they can request a review. This request must be lodged with 28 calendar days of receiving the original outcome, and is to be emailed to quality@australiscollege.edu.au.
- 9.2** Quality will forward this to the Review Officer recording all documentation and add the appeal to the Quality Notification Register. (Refer to [Quality Notification Register recordkeeping](#).)
- 9.3** The Review Officer may be the Managing Director or a delegate appointed by the Managing Director who was not involved in the original decision. The Review Officer must hold a higher position than the Manager who originally made the decision.
- 9.4** If the student requests an appeal to the decision within the 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 student of the outcome in writing within 28 calendar days, outlining the reasons for the decision and the day it takes effect.
 - Advise the student of their right to seek reconsideration of the outcome with the AAT and provide the contact details, address and approximate costs of an appeal. Aside from AAT costs, there is no cost to the student from the College for a reconsideration or review of a decision.
- 9.5** If the student requests an appeal beyond the 28 calendar day timeframe, the Review Officer must:
- Decide whether to grant an extension by reviewing any information 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 including reasons why. The Review Officer in this circumstance will not need to assess the special circumstances test.

10. ADMINISTRATIVE APPEALS TRIBUNAL.

- 10.1** Those who wish to further their appeal externally can do so via the AAT who will levy fees on the student as per the AAT [website](#).

11. QUALITY NOTIFICATION REGISTER RECORDKEEPING.

- 11.1** Where a review of a decision is initiated, Quality will add the appeal to the Quality Notification Register. The name of the Review Officer will be assigned, along with an expected close out date.

11.2 All evidence received and sent between the student and the College regarding this review is to be saved in the Quality Notification Register folder on SharePoint.

11.3 Upon close out of the entry, Quality will provide the outcome of the review and all supporting evidence to Student Services or will upload to the student's training record on the Student Management System.

RESPONSIBILITIES

Student Services

- Uploads special circumstances information and evidence onto the student's training record on the Student Management System.
- The Student Services Manager reviews all Special Circumstances Applications.

Executive Management

- The Chief Operations Officer may be involved with reviewing received Special Circumstances Applications.
- The Managing Director reviews all requests for a review of a decision. They may elect to have another member of Executive Management to review.

Quality

- Adds all review of decision requests into the Quality Notification Register.
- Actions, or provides Student Services with review of decision outcomes and supporting evidence to upload to the student's training record on the Student Management System.

Marketing

- Uploads a copy of this document to the Australis website.

SUPPORTING DOCUMENTS AND INFORMATION

- A list of applicable legislation is detailed within the legislation tab in the Quality Management Register.
- Environment, Health and Safety – refer to the Health and Safety Policy.
- Internal recordkeeping, communication and training – refer to the Communication and Training Policy and Procedure, and the Document Management Policy and Procedure.
- **VSL** – VET Student Loan.
- **VETSL debt** – VET Student Loan debt.
- **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.
- **Census date** is a published date, set by the provider in accordance with VSL regulations.
- **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.
- **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.
- **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:
 - a) unconscionable conduct (whether or not a particular individual is identified as having been disadvantaged by the conduct);
 - b) misleading or deceptive conduct;

- c) 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;
- d) 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;
- e) 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.

- VET Student Loan Application for Special Circumstances Form.
- VSL Special Circumstances Review Outcome Form.
- VET Student Loan Statement of Tuition Assurance.
- VET Student Loan Tuition Assurance Policy.
- [AAT Registry website](#).
- Quality Notification Register.
- Risk Management Policy and Procedure.