

APPS007 Deferral, Suspension and Cancellation Policy & Procedure

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Date of approval	May 2024
Approved by	CEO
Last review date	May 2024
Next review date	May 2026
References and legislative context:	<ul style="list-style-type: none"> - National Vocational Education and Training Regulator Act 2011 (Cth) - The ESOS Act 2000 / National Code of Practice for Providers of Education and Training to Overseas Students 2018: Standard 8,9, National Code Part D: Standard 13 - Education Services for Overseas Students (ESOS) Regulations 2001

Purpose & Legislative Background

- 1.1 According to Standard 9 of National Code of Practice for Providers of Education and Training of Overseas Student 2018, enrolment can be deferred, suspended or cancelled in limited circumstances by ALLIED INSTITUTE or by the student.
- 1.2 When deferral, suspension or cancellation of enrolment is initiated by ALLIED INSTITUTE, the student has the right to appeal the decision.
- 1.3 Overseas students need to note that any deferral, suspension or cancellation may affect their study visa in Australia.

Scope

This policy is current and future students of ALLIED INSTITUTE. This may also impact the third party, specifically the agents to ALLIED INSTITUTE.

Definition

- 3.1 **International Student:** As defined in the Student Enrolment, Fees and charges Policy and Education Services for Overseas Students Act 2000 (ESOS Act); student who holds a Student Visa.
- 3.2 **Provider default:** As defined under section 46A of the Education Services for Overseas Students Act 2000 (ESOS Act): - Failure to commence a course on the agreed date at the agreed location, or course ceases to be provided to the student at the location at any time after it starts but before it is completed, and the student has not withdrawn before the default day.
- 3.3 **Student Default:** As defined under section 47A of the Education Services for Overseas Students Act 2000 (ESOS Act):
 - a. Course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); OR –
 - b. The student withdraws from the course at the location (either before or after the agreed starting day); OR –
 - c. ALLIED INSTITUTE refuses to provide, or continue providing, the course to the student at the location because of one or more of the following events:

- I. The student failed to pay an amount he or she was liable to pay the provider, directly or indirectly, in order to undertake the course;
- II. The student breached a condition of his or her student visa;
- III. Misbehavior by the student

3.4 TPS: Tuition Protection Service

3.5 Commencement: ALLIED INSTITUTE considers a student's course commenced if the student has attended orientation and attended the first class within 30 calendar days from the first day of class as shown on the student's timetable.

Management Action & Responsibility

4.1 The **Academic Manager** is responsible for the overall implementation of this policy & organizing the student meetings and paperwork for Deferral/ Suspension or cancellation.

4.2 The **Student Support Officer** is responsible for advising the Academic Manager on the academic course progress of the student when required.

4.3 **CEO** has overarching responsibility for this policy.

Policy

5.1 Students can only apply to ALLIED INSTITUTE for deferment or suspension of their studies for compassionate or compelling circumstances (defined as those beyond the control of the student and which have an impact on course progress or wellbeing).

5.2 Students may request a deferral prior to course commencement. Request must be in writing and addressed to the Admin Officer. If the deferral is approved the student will receive a revised Letter of Offer and CoE.

5.3 All applications for deferment, withdrawal or suspension will be considered, and the decision will be provided in writing to the student within ten (10) working days from the date of application.

5.4 ALLIED INSTITUTE may grant or decline any student's request for deferment, suspension or withdrawal of studies. All documentation including reasons are to be kept on the student file.

5.5 If students apply to suspend their studies, the maximum allowable suspension period is six (6) months. Students may be required to apply for a new student visa to continue their course or courses.

5.6 Compassionate or compelling circumstances are generally those beyond the student's control and which impact the student's course progress or well-being. These could include, but are not limited to:

- a. Severe illness or injury, where a medical certificate states that the student was unable to attend classes
- b. Bereavement of close family members such as parents or grandparents (Where possible, a death certificate should be provided)
- c. Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted the student's studies; or
- d. A traumatic experience which could include involvement in, or witnessing a serious accident or witnessing or being the victim of a severe crime, and this has impacted on the student (police or psychologists' reports should support these cases)
- e. Where the registered provider was unable to offer a pre-requisite unit; or
- f. Inability to begin studying on the course commencement date due to delay in receiving a student visa.

5.7 ALLIED INSTITUTE will use our professional judgment to assess each case on its merits. Documentary evidence will be required to support any compassionate/compelling application. All

evidence/notes/comments must be kept on the student file.

Procedure of Deferments, Suspensions or Cancellations

6.1 Deferment:

- 6.1.1 Students may apply for deferment or suspension of their studies with sufficient reason/s of compassionate or compelling circumstances.
- 6.1.2 ALLIED INSTITUTE may choose to grant or decline any student's request for deferment or suspension of studies, in accordance with its documented procedures for assessing such requests.
- 6.1.3 ALLIED INSTITUTE accesses each case on its individual merits professionally. When determining whether compassionate or compelling circumstances exist, the documentary evidence provided to support the claim will be considered carefully and kept copies of those documents in the student's file.

6.2 Suspension

- 6.2.1 ALLIED INSTITUTE may choose to temporarily suspend a student's enrolment if it deems the student's behaviour to be unacceptable for an educational setting.
- 6.2.2 In the orientation/induction before commencing the course, student support officer will provide the students with what behaviour is acceptable/unacceptable to avoid suspension/cancellation
- 6.2.3 Regardless of whether the suspension of enrolment is the result of a student request for suspension or provider-imposed suspension of enrolment due to misbehaviour, the period of suspension of enrolment (as entered in PRISMS) should not be included in attendance monitoring calculations.
- 6.2.4 ALLIED INSTITUTE may initiate a suspension of studies on the grounds of misbehaviour of a student, in accordance with the College's Student Code of Conduct and other relevant P&Ps.
- 6.2.5 The student attendance will not be recorded during a period of suspension.
- 6.2.6 The course suspension will be recorded on PRISMS.

6.3 Cancellation

- 6.3.1 Cancellation of student enrolment will be made:
 - a. on the grounds of misbehaviour, in accordance with the College's Student Code of Conduct and other relevant P&Ps.
 - b. due to the student no longer holding a Student Visa if the student does not hold study rights.
 - c. due to the student's failure to pay course fees.
 - d. When the student is not a genuine/bona fide student, being, they do not attend class or progress in their course.
 - e. And course suspensions/cancellations will be recorded on PRISMS.
- 6.3.2 ALLIED INSTITUTE can suspend or cancel a student's enrolment against the student's wishes, provided that the suspension or cancellation is consistent with ALLIED INSTITUTE policies and/or Australian Law.
- 6.3.3 Before suspending or cancelling a student's enrolment ALLIED INSTITUTE must notify the student of its intention to take such action and allow the student 20 working days to access the complaints and appeals process. (see: Complaints and Appeals Policy).
- 6.3.4 If ALLIED INSTITUTE intends to cancel a student's enrolment and the student did not request the

cancellation, the student must be advised of their right to access the complaints and appeals process (regardless of the reason for cancellation).

- 6.3.5** Students are advised that a deferment or suspension of their studies may affect their visa.
- 6.3.6** ALLIED INSTITUTE is not required to wait for the outcome of any external appeals process before notifying DOE of the cancellation of the student's enrolment.
- 6.3.7** Where ALLIED INSTITUTE has reason for concern for the welfare of the student or those with whom the student may come into contact, ALLIED INSTITUTE will cancel the student's enrolment prior to completion of any appeals process.
- 6.3.8** Notification on PRISMS will not occur until the result of the internal appeals process is known unless extenuating circumstances relating to the welfare of the student apply, such as:
 - a. the student is at risk of committing a criminal offence or is the subject of investigation relating to criminal matters
 - b. the student's actual or threatened behaviour poses a threat to other staff/students/person
 - c. student has medical or psychological problems that may affect their wellbeing
 - d. the student cannot be located
- 6.3.9** If ALLIED INSTITUTE cancels an international student COE, the student must contact DHA within 28 days to inform DHA of their plans (to find another course, return home or access an external appeals process) and take all relevant paperwork (for example, a new CoE) to DHA.

Procedure for Student Initiated Deferral, Suspension and Withdrawal

7.1 Deferral procedure:

- 7.1.1** The student completes the Application for Deferral Form.
- 7.1.2** The student submits the Form to the Student Services Team.
- 7.1.3** The Student Services Team will decide on a case-by-case basis if the request involves compassionate or compelling reason.
- 7.1.4** The Student Services Team will inform the applicant of the approval or refusal of the application, or request for further documentation.
- 7.1.5** Where a student is unhappy with the decision, they can appeal the decision following the Complaints and Appeals Policy.

7.2 Suspension procedure:

- 7.2.1** The student completes the Application for Suspension Form.
- 7.2.2** The student submits the Form to the Student Services Team.
- 7.2.3** The Student Services Team will decide on a case-by-case basis if the request involves compassionate or compelling reason.
- 7.2.4** The Student Services Team will inform the applicant of the approval or refusal of the application, or request for further documentation.
- 7.2.5** Where a student is unhappy with the decision, they can appeal the decision following the Complaints and Appeals Policy.

Appeals Policy.

7.3 Withdrawal procedure:

- 7.3.1** The student completes the Application for Withdrawal Form.
- 7.3.2** The student submits the Form to the Student Services Team.
- 7.3.3** The Student Services Team will decide on a case-by-case basis if the request involves compassionate or compelling reason.
- 7.3.4** The Student Services Team will inform the applicant of the approval or refusal of the application, or request for further documentation.
- 7.3.5** Where a student is unhappy with the decision, they can appeal it following the Complaints and Appeals Policy.

Policy Control

Version	Date	Changes / Updates	Approved
1.0	Sep 2023	RTO Policy and Procedure of ALLIED INSTITUTE	CEO
	May 2024	Revision of the policy and procedure. Definitions revised and procedures revised	CEO
	Dec 2024	Re-writing for clarification	CEO