QAT Policy P015
Assessing Deferments, Suspensions and Cancellations

References: National Code Standards 9 and 13

1.0 Purpose

This policy has been defined as a requirement to meet Standards 9 and 13 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007. It will also be available and followed by all QAT (Queensland Academy of Technology) staff members involved in the delivery of ELICOS and VET courses.

QAT respects the rights of students as consumers; however, it is also imperative that students comply with the conditions of their visas. This policy ensures that decisions regarding the variation of a student’s Confirmation of Enrolment (CoE) are made in accordance with QAT’s obligations under the ESOS Act 2000 and the National Code.

2.0 Background

Assessing the deferment, suspension or cancellation of a student’s enrolment is referenced in the National Code Standard 13. Standard 9 also refers to the student’s completion within the expected duration of study.

National Code Standard 13 – Defe rent, suspension or cancellation of study during enrolment
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.

National Code Standard 9 – Completion within the expected duration of study
The registered provider must have and implement documented policies and procedures for monitoring the progress of each student to ensure that at all times the student is in a position to complete the course within the expected duration as specified on the student’s CoE. In monitoring this enrolment load, the registered provider must ensure that in each compulsory study period for a course, the student is studying at least one unit that is not by distance or online learning.

3.0 Definitions

Deferral/Deferment of studies – Where a student, prior to commencement, agrees or requests to start their course at a later date, and where this is agreed to by QAT in accordance with this policy.

Suspension of studies – Where a student has their CoE modified in order to ‘freeze’ their studies for a specific period of time, and where this is agreed to by QAT in accordance with this policy.

Cancellation of studies – Where the student requests to terminate their course, or QAT cancels a student’s enrolment on the grounds of misbehaviour, illness, or other matter as outlined in this policy.

DIBP – Department of Immigration and Border Protection
4.0 Policy

4.1 Suspending studies

QAT only allows the temporary suspension or modification of an enrolment under certain, specific circumstances, and only in cases which involve compassionate or compelling grounds. These grounds may include instances such as:

- flight delays;
- medical conditions or emergencies;
- family emergencies or bereavement;
- psychological problems;
- legal situations (where the student’s ability to commence or continue a course is compromised by situations involving court or police action);
- visa issues involving delays or problems concerning the issuance of a student visa to the student;
- failure to pass the QAT entry test for the course specified on the student’s conditional CoE;
- any other specific circumstance which, on a case by case basis, is deemed by QAT management to constitute compassionate or compelling grounds.

In all instances, documentary evidence must be provided in English (or an official translation). QAT will not suspend a student’s CoE for longer than the length of time which would allow the student to return to the college and complete their original course within the period of their current student visa. If the student’s illness or issue is such that this cannot occur, then the college, in consultation with the student, will consider the option of cancelling the enrolment.

Where the student’s enrolment load is varied as described above, or the expected duration of study must be extended (i.e. by the student repeating part or all of a course), QAT staff record the variation and the reasons for it on the student file and a new COE is issued via PRISMS.

Except in these limited circumstances, a student’s COE may never exceed the duration of the CRICOS registered course on which he/she is studying.

As many students need to demonstrate their English language proficiency in terms of passing external English language tests, and as not achieving a designated result may constitute a significant setback, both academically speaking and in terms of future career and life opportunities, lack of sufficient English progress itself may constitute a compelling reason for an extension of study. However, such extensions may not exceed the total accredited duration of the course itself and the student’s visa conditions must allow time for the extension of study.

4.2 Deferring studies

QAT allows students to defer the commencement of their studies for the reasons outlined in 4.1. However, if there are no compassionate or compelling grounds for deferring commencement, any potential deferment depends on the CoE status.

In accordance with the National Code Explanatory Guide for Standard 13, if the CoE is at ‘Approved’, QAT will change the CoE details by student request on PRISMS.
Where no notice of the deferral is given, and the student does not arrive at QAT on their course start date, they will be reported to DIBP and the TPS Director as per QAT’s Non-Commencement Policy, and within the timeframes set out in QAT’s Refund Policy.

4.3 Cancelling studies

Learners wishing to terminate their enrolment must notify QAT in writing, providing sufficient documentary evidence to support the request. QAT will then advise the Department of Immigration and Border Protection (DIBP) as the student’s visa will be affected. Any refunds are paid in accordance with QAT’s Refund Policy.

QAT may decide to cancel a student’s course on the following grounds:

- Poor attendance (see QAT’s ELICOS Attendance Monitoring Policy)
- Poor course progress (See QAT’s ELICOS and VET Course Progress Monitoring Policies)
- Non-commencement (see QAT’s Non-Commencement Policy)
- Student default
- Student non-payment of fees (see 4.4)
- Student misbehaviour (see 4.5)

4.3.1 Cancellation during orientation period (Non-commencement)

- A student may withdraw from a course during the orientation period.
- Students who cancel on orientation will not be entitled for a refund.

4.3.2 Cancellation after commencement (Early Termination/Withdrawal)

- Instalment plan is a privilege, students are supposed to pay in full on or before commencement (unless enrolled for more than 30-weeks course). QAT reserved the right to collect the fees.
- Students who cancel after commencement will not be entitled for a refund.
- All outstanding fees, including any that are due under instalment plan, must be paid.
  - For 30 weeks or less courses = all unpaid fees for the specific course need to be paid regardless of due date before the termination will be considered.
  - For more than 30 weeks course = the balance of the first 50% of course fees should be paid regardless of due date before the termination will be considered.
- Late payment and non-payment of fees are against Australian law and are reportable to the Department of Immigration and Border Protection (DIBP) five days after the appeals process has been completed.
- DIBP (through PRISMS) will be notified about student absences, within 14 days after he/she stopped attending classes even without official approval of early termination.
- Withdrawal from a course without giving written notice to QAT will result in automatic forfeit of all fees paid to date.
- A student wishing to cancel his/her enrolment in order to transfer to another training provider prior to having completed at least six months of the principal course of study applicable to his/her visa, should refer to the Transfer between Registered Providers Policy for more information.
• Any student currently studying who is advised that QAT intends to cancel their enrolment are first warned and counselled as set out in the relevant policy. They also have the right of appeal, as outlined in QAT’s Complaints and Appeals Policy.

• Where a student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process or the process is completed and results in a decision supporting the RTO, the Program Coordinator will alert Student Administration (PRISMS Officer) to cancel the student’s enrolment once the 20 days have elapsed, and report the student to DIBP within five days.

• Alternatively, the student may elect to access external appeals. Please see QAT’s Complaints and Appeals Policy for more information.

• Statement of Attainment will be issued for any units that have been satisfactorily completed.

4.3.3 Cancellation due to sickness or financial hardship
In the case of a student who withdraws from a course due to sickness or extreme financial hardship, QAT may, in its discretion, allow a refund of the unspent fees with the following conditions:

• The student must produce satisfactory evidence of his/her withdrawal such as medical certificates and/or flight tickets;
• Withdrawal must take place prior to the finish date of the course;
• A cancellation fee of 25% of full course will be withheld;
• If a refund has been issued a Statement of Attainment will not be granted.

4.4 Non-Payment of Fees
Where a student has failed to make a payment as per their written agreement, QAT will issue a letter, informing them of the school’s intention to cancel their enrolment and report them to DIBP for non-payment of fees. The student will have the standard 20 working days to access the appeals process before this action takes place, if compassionate/compelling reasons exist which may explain their inability to make payment. Only compassionate or compelling reasons (as outlined in 4.1) will be considered.

Alternatively, the student may successfully make payment within the 20-day appeals period, which will close the process. However, any subsequent payments which are due within this 20-day timeframe must be adhered to. If not paid, the student’s enrolment will be terminated as outlined above. Future payment due dates are not extended as a result of the above process.

4.5 Misbehaviour

Misbehaviour is defined as any student who:

• is consistently late or absent from class
• is disruptive in class
• fails to participate in class
Gross misbehaviour is defined as any student who:

- steals or damages the property of the school or another student
- recklessly disregards WH&S legislation (e.g. smoking inside the school)
- physically or verbally threatens another student or any school staff member
- is physically or verbally abusive towards another student or any school staff member. This includes violent or inappropriate behaviour towards others on the basis of gender, race, religion or sexual orientation.
- directly disobeys a directive issued by QAT

In the case of misbehaviour, the student will first counselled by a member of the Student Support Team. If the misbehaviour occurs a second time, the course will be cancelled and the student notified of QAT’s intention to report them to DIBP. A copy of QAT’s Appeals process will also be sent.

In the case of gross misbehaviour, the course will immediately be cancelled and the student notified of QAT’s intention to report them to DIBP. A copy of QAT’s Appeals process will also be sent. In both cases, QAT may proceed with legal action against the student if required.

4.6 General Information

Under no circumstance are work related grounds to be considered for deferring, suspending or cancelling a student’s enrolment. The student is also to be notified that such changes to an enrolment as outlined above may affect his/her student visa.

Where a deferral of study, a temporary suspension of study, or a cancellation of study occurs, a record of this, and the reasons given, is recorded on the student’s individual file and the Secretary of DEEWR is notified through PRISMS.

5.0 Procedures

5.1 Deferral of start date

- Once a COE has been issued for a student, any requests for deferrals of commencement of study are done via the QAT Special Consideration Form then checked by the PRISMS Officer and Executive Director.
- Written requests which conform to the above policy guidelines are accepted, and the student is notified in writing of the changes in relation to their study period.
- If approved, a copy of the request and the positive assessment of the request are kept on the students file. The student’s COE is then varied on PRISMS by the PRISMS officer, or a new COE is generated as per the QAT policy above.
- If rejected, a copy of the request and the negative assessment of the request are kept on the students file. The student is advised in writing that he or she needs to present themselves at QAT on the date confirmed on the student’s COE.
• Students arrival is checked against the QAT intake list for the due commencement date.

• Any non-commencing students on student visas are sent a notice on the next working day reminding them of QAT’s obligation to register them as a defaulting student via PRISMS within 14 days. Refer to the QAT Non-Commencement Policy.

5.2 Temporary suspension of study

• Students who request a temporary suspension of study must do so in writing via the QAT Special Consideration Form at least one week prior to the date of the absence.

• Leave of absence requests are received by reception staff and passed to the Executive Director for assessment.

• Any such requests are assessed on the basis of grounds as per the above policy, length of time remaining on the applicant’s student visa and length of time studied against total possible accredited course duration.

• A written response is provided within 2 working days, outlining the reasons for the decision.

• If the application is approved, the student’s COE is varied by the PRISMS Officer to reflect the new duration of study and the Secretary of DEEWR is notified by PRISMS and a new COE is generated.

• Minor requests approved under compassionate or compelling grounds are recorded on the student’s file as per the QAT policy (above).

• If the student’s request is not accepted then the student is advised in writing that they must continue to attend the course during the time previously under consideration.

• Attendances for the time previously under consideration are kept as per normal QAT processes.

5.3 Extension of duration of study

• Students on student visas must apply in writing via the QAT Special Consideration Form to extend their course (i.e. by repeating part or all of a course), giving reasons for the request.

• The request is assessed by the Director of Studies or Executive Director.

• Students whose request meets the conditions outlined in the above policy document are granted an extension and their COE is varied.

• If the application is approved, the student’s COE is varied by the PRISMS Officer to reflect the new duration of study and the Secretary of DEEWR is notified by PRISMS and a new COE is generated.

• Students whose request does not meet the conditions in the above policy document are refused an extension and their course termination date remains unchanged.
• Students are notified in writing of the result of the QAT assessment within 5 working days of their request being received.
• In general, extensions to a course, other than those resulting from deferrals or temporary suspension of study as detailed above, are only granted where there are compelling or compassionate reasons (as listed above) or where such extensions are a direct result of the implementation of QAT’s academic intervention strategy (please refer to the QAT VET and ELICOS Progress Monitoring Policies).

5.3 Cancellation of study
• Students on student visas must apply in writing via the QAT Special Consideration Form to cancel their course, giving reasons for the request.
• The request is assessed by the Director of Studies or Executive Director.
• Students whose request meets the conditions outlined in the above policy document will be advised that the cancellation may affect their student visa, and their enrolment is terminated.
• The Secretary of DEEWR is notified via PRISMS within 14 days of confirmation of the student default.
• Any cancellation initiated by the school is carried out in accordance with the relevant policy (see 4.3).

6.0 Forms
• Special Consideration Form (available on website)
• CoE Variation Form
• VET DIBP Report Request Form
• ELICOS DIBP Report Request Form
• T010-T010E ITR Warning Letters

7.0 References

National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007
The ESOS Act 2000
QAT Policy for
• ELICOS Attendance Monitoring
• ELICOS and VET Course Progress Monitoring
• Refunds
• Complaints and Appeals
• Non-Commencement

Version history
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