



TRANSFER BETWEEN REGISTERED PROVIDERS POLICY AND PROCEDURE

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| Related Standards | National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2007, Part D, Standard 7 – Transfer Between Registered Providers |
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Purpose

This policy/procedure supports ‘Standard 7 – Transfer between registered providers’ of the ‘National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2007’ which states:

“Registered providers assess requests from students for a transfer between registered providers prior to the student completing six months of his or her principal course of study in accordance with their documented procedures.”

Scope

This Procedure relates to international students studying at ACE.

Definitions

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| Application for Transfer Between Registered Providers | An application by a Student for Transfer Between Registered Providers (release). |
| DIBP | Department of Immigration and Border Protection. |
| ESOS Act: | The Education Services for Overseas Students Act 2000 of the Commonwealth of Australia, as amended from time to time. |
| National Code: | The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, established pursuant to Part D of the ESOS Act, as amended from time to time. |
| Principal Course: | The main course of study to be undertaken by an overseas Student where a Student Visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a Student Visa that covers multiple courses. |
| Six months of Principal Course | means completion of the 1 st six calendar months of the principal course. The calculation of this period starts from the date the student commenced the course. |
| Student Counsellor or equivalent: | Includes a student counsellor/student support services officer/advisor or welfare officer appointed by the Institute and working at the Institute or, in the case of Students |

1. Policy

- 1.1 ACE must not knowingly enrol or actively recruit a student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where:
- the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
 - the original registered provider has provided a written letter of release
 - the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course; or
 - any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.
- 1.1.a A student must remain with his or her provider for all of his or her courses before the principal course unless the above conditions are met.
- 1.1b If a student transfers to ACE, any refunds of course fees paid to the original provider will be in accordance with the original provider's refund policy.
- 1.2 ACE has and implements its documented student transfer request assessment policy and procedure, which is available to staff and students. The policy specifies:
- the circumstances in which a transfer will be granted
 - the circumstances that ACE considers as providing reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student; and
 - a reasonable timeframe for assessing and replying to the student's transfer request having regard to the restricted period.
- 1.3 ACE grants a letter of release only where the student has:
- provided a letter from another registered provider confirming that a valid enrolment offer has been made.
- 1.4 A letter of release, if granted, must be issued at no cost to the student and must advise the student of the need to contact DIBP to seek advice on whether a new student visa is required
- 1.5 Where the registered provider does not grant a letter of release, the student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal ACE's decision in accordance with Standard 8 (Complaints and appeals).
- 1.6 ACE maintains records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file.
- 1.7 This policy supports the intent of the standard which recognises overseas students as consumers and supports them to exercise choice, while acknowledging that they may also be a group that requires support to transition to study in Australia. It should guide decision making by pointing to the range of factors that ought to be taken into account.
- 1.8 Students who have studied longer than six months can apply as normal and no letters of release need to be sighted.
- 1.9 ACE ensures this policy and procedures are reflected or summarised in its marketing and advertising of its training programs to prospective students prior to enrolment, as well as to education agents, and to provide accurate and ethical information.

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- 1.10 ACE ensures that this policy and procedures and their implementation uphold the intent of the Standard by considering students’ requests fairly and applying its best efforts.
- 1.11 This policy and procedures are made available to ACE staff during the staff induction and in the college website as well as in the Student Handbook.
- 1.12 Any requests that are received in relation to a student wishing to transfer education providers shall be the responsibility of the Compliance Officer. The Compliance Officer shall assess the applications to transfer between education providers and conclude an outcome based on the procedures below.
- 1.13 The students will be advised that transfers between providers may have an impact on their student visas.
- 1.14 The following procedures have been separated into ‘incoming students’ and ‘outgoing students’.

2. Procedures

Incoming Students

- 2.1 The following procedures are applicable to students who apply for a course within ACE and is currently studying on-shore or currently enrolled with another registered provider.
- 2.2 For this procedure to be completed, the student must complete the enrolment process as outlined in the Enrolment Policy and Procedures and submit all required documents. The student must provide a copy of his/her Student Visa or Visa Grant or authorise ACE to access VEVO on his/her behalf to ascertain the visa subclass, duration of current visa, date of arrival in Australia; copy of COE(s) are required to ascertain the principal course.
- 2.3 The Compliance officer processes the student’s enrolment application to ensure that the terms and conditions of enrolment are met.
- 2.4 The Compliance Officer further proceeds with the application by accessing further student information via PRISMS to ascertain if the student has completed 6 months of the principal course of study or not. In completing this process, a copy of the PRISMS record will be printed and attached to the student application.
- 2.5 If a student has completed 6 months of the principal course of study, the application will be processed as for all off-shore students.
- 2.6 Where a student has NOT completed 6 months of the principal course of study, ACE may accept the enrolment application if the following conditions are met:
 - a. The original registered provider has provided a written letter of release.
 - b. The student is asked to provide an appropriate letter of release in support of the application. To support the application they can be provided with a ‘Conditional Letter of Offer’ (Appendix A) which clearly states that an offer of a place is contingent on their obtaining a letter of release.
 - c. If a student is in receipt of a Government scholarship, a written support from this government agreeing to the change which will stand in lieu of any letter of release will be required.

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- d. Where the original institution or course has ceased to be registered, or sanctions have been imposed on the original institution by the Australian government which do not allow the student to continue with the principal course, no letter of release is required. Evidence of this occurrence would need to be placed in the student file.
- e. The student no longer has a student visa and therefore no principal course; a proof (eg VEVO) must be provided and kept in the student's file.

2.7 If a letter of release is received, the application proceeds as for all off-shore applicants.

2.8 ACE can issue a student with a COE prior to the completion of six months of the principal course of study if the COE starts after the six months period.

2.9 Any refunds of course fees paid to the original provider will be in accordance with the original provider's refund policy.

2.10 If no letter of release is received, the application process is halted and the student is informed that they are unable to transfer at this time. They are welcome to re-activate their application when the 6 month period has passed.

2.11 When ACE makes a judgment about a student's best interests, ACE ensures the reasons are adequately supported.

Outgoing Students

The following procedure is relevant to those students wishing to transfer to another education provider prior to completing six (6) months of their principal course of study.

2.12 Student must submit a written request using the 7.1 Application Form for Transfer Between Registered Providers) to the Compliance Officer to transfer to another provider. The student must provide valid reasons on the benefit they will gain in transferring from their current course of study.

2.13 A receipt will be issued to the student to acknowledge that the request has been received.

2.14 The application will be processed within 10 business days from the date the application was received.

2.15 The circumstances for granting a 'Release Letter' are if:

- a. ACE has cancelled/ceased to offer the students program (letter from ACE supplied);
- b. government sponsor considers the change to be in the students best interest, if they are a sponsored student (written confirmation from sponsor required);
- c. Exceptional circumstances (documentation required to support circumstances and a letter of offer from another provider is required.)

2.16 The other individual circumstances of the student that ACE takes into account for granting a 'Release Letter' are:

- a. the transfer better meets the study capabilities of the student;

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- b. better meets the long term goals of the student, whether these relate to future work, education or personal aspirations;
 - c. the student wishes to change course in order to get access to greater support (may be through the services offered by another provider, commercial or non-for-profit services or through access to family, friends or a cultural support network);
 - d. if the student claims or can provide evidence that his or her reasonable expectations about the current course are not being met;
 - e. a student can provide evidence that he or she was misled by ACE or an education agent of ACE regarding ACE or its educational programs and services, which constitutes a breach of the ESOS Act, or
 - f. an appeal (internal or external) on a matter that may reasonably result in the student wishing to seek a transfer supports the student.
- 2.17 The student is asked to provide a valid 'offer of enrolment' from the new provider authenticating the transfer.
- 2.18 In assessing the application to transfer, the Compliance Officer will check the following points:
- a. Ensure any outstanding fees are paid
 - b. Ensure the student is fully aware of all issues relating to the transfer between providers including their obligation to meet their student visa conditions.
 - c. Check student records to ensure the student is not trying to avoid being reported to the DIBP due to lack of course progress or poor attendance records.
- 2.19 In making judgments about a student's best interests, the Compliance Officer should ensure the reasons are adequately supported.

Course Packages

- 2.20 If a student is enrolled in a package of courses, the student is that changes to their preliminary courses may have ramifications for their admission to their principal course (e.g. if a preliminary course is a prerequisite).
- 2.21 Once the above points have been addressed by the Compliance Officer, a 7.2: Letter of Release within first 6 months will be granted at no charge to the student. Any issues will be reported to the CEO. The student will be required to submit:
- a. A valid 'Offer of Enrolment' from the new provider authenticating the transfer.
 - b. A letter from the student indicating the benefits of transferring from their current course of study (in case this was not provided earlier when submitting the 7.1 Application Form for Transfer Between Registered Providers).
- 2.22 ACE will issue Statement of Attainment for the Unit of competency/s completed by the student till the last date of study when the request for release letter from the student is received and all the criteria completed in clause 2.15 above.
- 2.23 Once all criteria to transfer to another provider is met, ACE will cancel the student's COE via PRISMS. A copy will be provided to the student, if requested, and another copy will be kept in the student's file.

3. Granting a Letter of Release

- a. ACE does not charge the student any fee in granting a 'Letter of Release'.

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- b. The student will be advised to contact DIBP and obtain a new visa if the new course is in a different sector to the original course or if there is an extension required to the student's visa and also to check for their visa status to ensure that they have a valid visa and do not breach their student visa conditions.
- c. The Compliance Officer must report the student's termination of studies to the appropriate government agency(s) via PRISMS.

4. Refusal to Grant a Letter of Release

- a. Where the transfer is not in the best interest of the student, the request to transfer to another RTO will be refused. Reasons for refusal may include but are not limited to:
 - i. New course outcome is not suitable to student situation;
 - ii. New course location is not suitable;
 - iii. Provider is not a CRICOS registered provider;
 - iv. The welfare of the student may be compromised;
 - v. if the transfer may jeopardise the student's progression through a package of courses;
 - vi. If the student has recently started studying the course and the full range of support services are yet to be provided or offered to the student (it is good practice to revisit the issue within a timeframe negotiated with the student); and
 - vii. if the student is trying to avoid being reported to DIBP for failure to meet the ACE's attendance or academic progress requirements;
- b. When ACE makes a judgement about a student's best interests, ACE ensures the reasons are adequately supported.
- c. This decision of the appropriateness of the transfer will be made by Compliance Officer and shall be given to the student in writing. The letter will indicate the decision (refusal), the reasons for the decision, the factors taken into consideration that reflect the student's individual circumstances will be provided in the letter. The reasons for refusal should be sufficiently details to enable the student make an informed decision as to whether to appeal the decision.
- d. The above process is completed within 10 business days (provided the student has provided the necessary documentation).

5. After six months

If a student is not satisfied with their education provider, a transfer after six months of the principal course can be granted without restrictions.

6. Refunds

- a. The approval of transfer of a student to another institution does not indicate the agreement or guarantee to provide any refund. Refunds are governed by the refund policy independent of this policy.

7. Appeals

- a. If the application is refused, the student will be advised in writing that it is possible to appeal the decision if the student so chooses (*Proforma Letter 7.3 will be used*)
- b. If a student feels there are reasonable grounds for his/her transfer and wish to appeal ACE's decision to refuse the grant of a Letter of Release, the student will be advised to access ACE's Complaints and Appeals process and to inform ACE **in writing** within 20 days outlining his/her

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circumstances. This process is outlined in the Complaints & Appeals Policy and Procedure. Further information on this process can be obtained from the Compliance Officer.

- c. If the student does not respond within 20 working days to ACE in writing, ACE will close the application and the student is required to continue with his/her studies in line with the original enrolment conditions.

8. Continuation of Enrolment

- a. While the student's application to grant a Release Letter is being processed and assessed and if the student later proceeds to lodge an appeal on ACE's decision to refuse to grant a Release Letter, the student remains enrolled with ACE during the entire process and must perform his/her responsibilities as an enrolled student and continue to meet academic/course requirements and enrolment conditions in accordance to the relevant policies and procedures.

9. Calculation of the six months restriction period

- a. The start date for calculating the period is when the students starts the course.
- b. Where a student has had a break from his or her studies due to a deferment or suspension, the break is not counted for the purposes of determining if the student has completed six months of his or her principal course.

10. Escalations

The CEO will be informed of any issues that may arise in relation to the student's application and decisions made.

11. Records Management

All information relating to the transfer application, such as the following, are to be maintained on the student file for 2 years:

- a. Student's request for a Release Letter (7.1 Application Form for Transfer Between Registered Providers)
- b. Assessment of the request by the Compliance Officer
- c. A copy of a Letter of Release for any student it has enrolled before the student had completed six months of the principal course of study. (7.2 Letter of Release within first 6 months)
- d. A copy of the letter informing the student of the decision and reasons if the student's request is refused (7.3 Letter of Refusal to transfer within 6 months)
- e. If there is an appeal, evidence that the appeal was conducted in accordance with the provider's appeal processes.
- f. A copy of a letter of release for any student ACE has enrolled before the student had completed six months of the principal course of study.

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Forms / Record Keeping

| Title | Location | Responsible Officer | Retention Period |
|--|--------------|--|------------------|
| Application form for Transfer Between Registered Providers | Student File | Student Support Services Officer Compliance Officer | 2 years |
| Copy of Approved (Letter of Release) or Not Approved letter (Refusal Letter) | Student File | Student Support Services Officer Compliance Officer | 2 years |
| Copy of Statement of Attainment | Student File | Student Support Services Officer | 30 years |

12. Dissemination of this Policy

12.1 All staff and students will have access to updated versions of this policy via:

- a. public drive and website (for staff); website or hardcopies or via email (for prospective and current students and education agents);

13. Responsibility

- Director of Studies
- Compliance Officer
- CEO

14. Forms

- Application Form for Transfer Between Registered Providers
- Letter of Release within first 6 months
- Letter of Refusal to transfer within 6 months
- Conditional Letter of offer for Transfer within 6 Months