

# Policy

## Overseas Students

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### 1. Policy Statement

Scotch College (“the College”) will protect the interests of its overseas students – and in doing so the College will comply with legislative requirements.

### 2. Rationale

Overseas students warrant a safe, enjoyable and rewarding education, and a good consumer experience. They may face added difficulties – so the Australian Government protects them with the ESOS Framework.

- The ESOS Framework includes the *Education Services for Overseas Students Act 2000* (ESOS Act) and the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (National Code).
- Under the ESOS Act the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is maintained. It lists the institutions and courses for which the education of overseas students is permitted by the states and territories.
- In Victoria, CRICOS registration is overseen by the Victorian Registration and Qualifications Authority (VRQA).
- In Victoria, CRICOS registered schools must comply with the VRQA’s ‘Guidelines for the Enrolment of Overseas Students Aged Under 18 Years’.
- The rights and responsibilities of overseas students under the ESOS framework are outlined in Appendix 1.

The College maintains CRICOS registration to enrol up to 45 overseas students – all of whom must be in Years 7–12 and must board at the College.

The purpose of the present document is to address the policy aspects of the above requirements.

### 3. Scope

This document includes the following six policy areas:

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C. ACCOMMODATION AND WELFARE .....	7
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This document excludes the College’s policy on complaints – instead see the policy document ‘Complaints (Parent, Student and Community)’. That document describes the College’s procedure for ensuring that any form of parent or student complaint or grievance is dealt with promptly, sensitively and impartially. It includes provisions specific to overseas students, including timeframes for appealing decisions relating to non-compliance with visa conditions, and the ability to seek external assistance from the Overseas Students Ombudsman.

### 4. Definitions

**Overseas student** – means a person (whether within or outside Australia) who holds a student visa.

**Intending overseas student** – means a person (whether inside or outside Australia) who intends to become, or who has taken any steps towards becoming, an overseas student.

**Confirmation of Enrolment** is a document, provided electronically, which is issued by the College to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol at the College.

**Written Enrolment Agreement** – means the written agreement signed by an overseas student's parents/guardians upon accepting an offer of enrolment at Scotch College.

**Enrolment Agreement** – means the agreement applicable to all students of Scotch College, available at <https://www.scotch.vic.edu.au/policies/>

**DHA Approved Relative** means a person living in Australia with responsibility for the welfare and accommodation of an overseas student, as assessed and approved by the Department of Home Affairs. The College does not issue a Confirmation of Appropriate Accommodation and Welfare letter for these students and they are not required to live in the Boarding House.

### 5. Factors affecting the Interpretation of this Policy

Compassionate and/or compelling circumstances may affect the determinations the College makes across this and some other policies. This includes decisions to provide a refund, defer, suspend or cancel a student's enrolment, authorise a transfer or report a student for unsatisfactory course progress or attendance.

Evidence supporting compassionate or compelling circumstances should be provided by the student (in English) wherever possible. The College will consider the following as compassionate and compelling circumstances:

- Serious illness of a physical or mental nature, where a medical certificate states that the student was unable to attend class
- Bereavement of an immediate family member (where possible, a death certificate should be provided)
- A traumatic experience which has impacted on the student (where possible, these cases should be supported by police or psychologists' reports)
- Major political upheaval or natural disaster in the overseas student's home country which requires immediate emergency travel which has impacted on studies
- Where the College was unable to offer a pre-requisite unit
- Inability to begin study in a program on the agreed starting date due to a delay in receiving the overseas student's visa
- Other compassionate or compelling circumstances, where evidence shows that these circumstances were having an impact on the student's progress through a course, at the discretion of the College.

However, if the College becomes aware that a student has provided fraudulent evidence or documents to support a claim of compassionate or compelling circumstances, the student's enrolment may be suspended or cancelled.

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### A. English Language Proficiency

#### 1 Policy Statement

Before enrolling an overseas student, the College will take steps in accordance with this policy to determine that the student's educational qualifications and English language proficiency are sufficient.

#### 2 Rationale

Standard 2.2 of the National Code requires the College to implement a documented policy and process for assessing whether an overseas student's English language proficiency, educational qualifications or work experience are sufficient to enable them to enter the course.

#### 3 Scope

This policy applies to intending overseas students.

#### 4 Guiding Principles

Results of English Language Proficiency Testing undertaken within the past 12 months must be provided to the College at the time of application.

The College may also request that school reports be provided from the student's home country and/or the school they attended overseas.

The College may require an intending overseas student to participate in an interview with the College's staff.

#### 5 English Language Assessment

The College will assess a student's English language proficiency by using the student's results from the Australian Education Assessment Services (AEAS) English Language Proficiency Test. The College requires minimum scores as follows:

Entry to Year 7 or 8: 70 or above

Entry to Year 9 or 10: 75 or above

Entry to Year 11: 80 or above

If the results are below the required minimum then the College may still offer to enrol the student, but such offer will be conditional on the student satisfactorily completing an English Language Intensive Course for Overseas Students (ELICOS) within a defined timeframe. This is common for students who have been taught in a non-English speaking school.

If completion of ELICOS is required then the College will provide a list of recommended English language centres. The family must themselves directly make all ELICOS arrangements including payment. Scotch College does not offer ELICOS courses.

After the student completes ELICOS the College may require that the student's English language proficiency be re-tested. If the re-test results are still below the minimum then the College may request that the student complete further ELICOS study within a defined timeframe.

If a student does not meet the required minimum proficiency within the defined timeframe then the student will not be enrolled at the College and any conditional offer of enrolment will be withdrawn.

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### B. Refunds

#### 1 Policy Statement

The College will provide a refund to an overseas student or intending overseas student where required by the ESOS Act in relation to default by the College (as provider) or the student.

#### 2 Rationale

Standard 3 of the National Code requires the College to have processes in place for claiming a refund of tuition or non-tuition fees that have been charged to an overseas student. The Education Services for Overseas Students (Calculation of Refund) Specification 2014 (Refund Specification) is a federal legislative instrument that sets out the methods for calculating refunds of fees by a registered provider in the following circumstances:

- Provider default
- Student default where the provider has not entered into a Written Enrolment Agreement with the student that meets the requirements of section 47B of the ESOS Act
- Student default because of visa refusal.

#### 3 Scope

The scope of this policy includes decisions and process about refunds to overseas student or intending overseas students, where required under the provisions of the ESOS Act.

The scope excludes consideration of any fees that parents or guardians may have paid to education agents. The College does not refund any such fees.

#### 4 Default by Provider (ie. Default by the College)

The College defaults if, under section 46A of the ESOS Act:

- a) Either of the following occurs:
  - The College fails to start to provide the course to the student at the location on the agreed starting day; or
  - The course ceases to be provided to the student at the location at any time after it starts, but before it is completed; and
- b) The student has not withdrawn before the default day.

The College also defaults if a sanction is imposed on it under the ESOS Act which prevents it from providing a course.

If the College defaults then it will:

- a) provide a full refund of paid fees. To meet the requirements of the 'Provider Obligation Period' the College will provide such refund within 14 days of notification of course cancellation.

- b) provide written notice of the default to the Commonwealth Department of Education (Secretary) and the Director of the Tuition Protection Service (TPS) within 3 business days of the default occurring. The notice will include the following:
  - i. The circumstances of the default
  - ii. The details of the students in relation to whom the College has defaulted
  - iii. Advice as to:
    - Whether the College intends to discharge its obligations to those students; and
    - If appropriate, how the College intends to discharge those refund obligations.
- c) give written notice of the default to the affected students.
- d) provide notice to the Commonwealth Department of Education (Secretary) and the Director of the TPS within seven days after the end of the Provider Obligation Period. The notice will include the following:
  - i. Whether the College discharged its obligations towards the student
  - ii. If the College provided refunds:
    - Details of the students the College provided refunds to; and
    - Details of the amounts of the refunds provided.

Overseas students may be further assisted via the Tuition Protection Service (TPS) with which the College is registered. The TPS is an initiative of the Australian Government to assist overseas students whose education providers are unable to fully deliver their course of study. It ensures that overseas students are able to either:

- Complete their studies in another course or with another education provider; or
- Receive a refund of their unspent tuition fees.

## 5 Default by Student

A student defaults if:

1. The course starts on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or
2. The student withdraws from the course (either before or after the agreed starting day); or
3. The College refuses to provide, or continue providing, the course to the student because of one or more of the following events:
  - a) The student fails to pay an amount they were liable to pay the College, directly or indirectly, in order to undertake the course
  - b) The student breaches a condition of their visa
  - c) The student misbehaves.

For further explanation of 3b and 3c above, refer to the related policies within this document:

Policy D: Course Progress, Attendance and Duration

Policy E: Deferring, Suspending or Cancelling an Overseas Student's Enrolment.

4. The Department of Home Affairs rejects a student's visa application.

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If a student's enrolment is cancelled for the reasons noted at 3b or 3c above then the College will not refund any tuition fees.

If a student defaults because the Department of Home Affairs rejects the student's application for a student visa, and the visa was not rejected because of a defined act or omission by the student, and if the relevant evidence is provided, then the College will refund all tuition and/or boarding fees paid.

However, the College may refuse to provide a refund if the overseas student or intending overseas student was refused a student visa due to a defined act or omission by the student that directly or indirectly caused the student to default in relation to the course. Defined acts or omissions are those where the student:

- Fails to start the course on the agreed start day
- Withdraws from the course
- Fails to pay course fees.

If a student defaults for other reasons then the College will determine the applicability of any refunds by referring to the College's Enrolment Agreement (available at [www.scotch.vic.edu.au](http://www.scotch.vic.edu.au)). That agreement outlines withdrawal notice periods for day students and boarders, and the applicability of any refunds.

If the College does pay such refund then it will:

1. Pay the refund within the Provider Obligation Period, being within 28 days of receipt of the written claim from the overseas student or intending overseas student.
2. Provide notice to the Commonwealth Department of Education (Secretary) and the Director of the TPS within seven days after the end of the Provider Obligation Period. The notice will include the following:
  - Outcome of the discharge of obligations
  - Details of the students the College provided refunds to
  - Details of the amounts of the refunds provided.

## 6 Change of Visa Status

If a student's visa status changes (e.g. if the student becomes either a temporary or permanent resident of Australia) then:

- if the College receives notification of that change after 1 August, full overseas student fees will still be payable until the end of that school year
- if the College receives notification of that change on or before 1 August, variation to fees will be processed for the following fee instalment notice.

The College will vary the fees only if the College first receives the relevant written evidence.

## 7 Procedure for Providing a Refund

The College will grant a refund only when the following process is followed:

1. An overseas student or intending overseas student applies for a refund, in writing, from the Bursar at the College.
2. An overseas student or intending overseas student pays any outstanding debts to the College or authorises (in writing) for any outstanding debts to be deducted from the refund.
3. The College approves the refund under this policy.

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After approval, the refund is paid in Australian currency to the same person that initially paid the fees.

### 8 Rights Under Australian Law

The provisions of this policy do not remove the right of a parent/guardian to take action under Australian consumer protection laws.

## C. Accommodation and Welfare

### 1 Policy Statement

Where the College has taken on responsibility for the approval of welfare arrangements for an overseas student, the College will ensure the arrangements are suitable, ongoing and appropriately managed until the completion of the student's schooling (including exam periods).

### 2 Rationale

Standard 5 of the National Code and the Victorian Registration & Qualification Authority (VRQA) [Guidelines for the Enrolment of Overseas Students Aged Under 18 Years](#) outline additional requirements for overseas students under 18 years of age.

Where an overseas student does not reside with a DHA Approved Relative, the College issues a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter. Where a CAAW has been issued, the College undertakes responsibility for approving the accommodation, support and general welfare arrangements for the student. Such a student is often referred to as a "CAAW student".

### 3 Scope

The College's responsibility under a CAAW ceases when a student turns 18. However, in line with the Written Enrolment Agreement, students are required to remain in College approved accommodation arrangements until the completion of their schooling (including examination periods).

This policy is supplemented by the Procedure 'Overseas Student Support Services', which outlines support services the College provides to overseas students (in compliance with National Code Standard 6).

### 4 Definitions

**Accommodation Provider** – means a provider of accommodation that the College has approved. The Accommodation Provider houses an overseas student in Australia during periods of Boarding House closure, when the student is not returning to his parents / home country or his parents are not visiting Australia and caring for the student. In some situations the Accommodation Provider and Family Representative roles may be undertaken by the same person.

**College-approved accommodation arrangements** – means arrangements where the College has approved an Accommodation Provider and is satisfied that the accommodation is appropriate to the overseas student's age and needs.

**Family Representative** – is a parent / guardian nominated person who must be Melbourne-based and at least 21 years of age, and is subject to approval by the College. The Family Representative may also at times fulfil the role of Accommodation Provider

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### 5 Guiding Principles

Any overseas student who will not be residing with a parent or DHA Approved Relative in Australia is required to be a Boarding Student. The College's Boarding House meets the VRQA *Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration*.

During periods of Boarding House closure, CAAW students reside with an Accommodation Provider in College approved accommodation arrangements and the College abides with the requirements of the regulations noted in the Rationale section of this policy with regards to these short-term accommodation arrangements.

Neither Family Representatives nor Accommodation Providers are responsible for the overall welfare of a CAAW student. This responsibility cannot be delegated by the College. Any welfare concerns must be raised with the Head of Boarding House or any other member of the overseas students Wellbeing Team.

### 6 Welfare of all Overseas Students (CAAW Students and Students Residing with DHA Approved Relatives)

#### *Family Representatives*

Family Representatives provide additional support to overseas students. Parents / guardians must provide details of a proposed Family Representative to the Head of Boarding House, utilising the *Family Representative Nomination form*. The Family Representative is provided with the *Family Representative Role and Responsibilities* document, which is signed-off by the Family Representative, with copies retained by the College and Family Representative. Parents / guardians are required to advise the College within 7 days of any changes to the Family Representative including change of person, change of address and changes to living arrangements.

Family Representatives receive information and training about the College's Safeguarding Policies including the 'Safeguarding Children and Young People Policy', 'Child Safety and Wellbeing Code of Conduct' and the Australian Childhood Foundation 'What is Child Abuse?' fact sheet.

#### *Other welfare arrangements*

The College will:

- provide all overseas students with information about who to contact in an emergency situation, and about seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse.
- provide that information in ways that are appropriate to the student's age and culturally appropriate.
- provide that information through a number of mechanisms, including the Overseas Students and Boarding Guides, the Student Record Book and publicly-available policies.

In accordance with the College's Safeguarding program, the College discusses these topics in a sensitive and age-appropriate manner via Year Level and House meetings.

All Students are provided with a Student Safety Card, which outlines the College's contact details, 24/7 emergency contact details and the details of the Overseas Student Co-ordinator, and general emergency contact information (i.e. 000).

Further detail relating to the welfare of all overseas students is outlined in the procedure 'Overseas Student Support Services'.



### 7 Boarding House Closure (CAAW Students)

Arrangements for, and timing of arrival at Boarding House at the beginning of each term, departure from the Boarding House at the end of each school year, and for exeat weekends, are outlined in the Guide to Boarding handbook.

The Boarding House is closed for Term breaks. CAAW students are encouraged to return to their home country and family during holiday periods, and must provide the Head of Boarding House with travel details and arrangements as outlined in the Guide to Boarding handbook.

CAAW students are not permitted to reside with an Accommodation Provider until they reach 13 years of age. Any CAAW student under 13 years of age at the time of a Boarding House closure must return to his home country or be cared for by his parents / guardians in Australia. This includes prior to the student moving into the Boarding House at the commencement of his enrolment with the College.

#### *Process to assess/approve accommodation and Accommodation Providers*

Where the role of Accommodation Provider is not to be filled by the Family Representative, an alternative Accommodation Provider will be determined (nominated by parents / guardians or the Family Representative, or sourced by the College via a professional homestay organisation).

Whether the Accommodation Provider is the Family Representative or otherwise, the suitability of accommodation to meet the CAAW student's age and needs is checked via a site visit conducted by the Overseas Student Co-ordinator utilising the College's *Overseas Student Accommodation Inspection Report*. The site visit occurs prior to the student's first stay, and for any subsequent stays, if the accommodation has not been subject to a site visit in the past 6 months.

Accommodation Providers are provided with the *Responsibilities of Accommodation Provider* document. This document includes 24 hour emergency contact details the Accommodation Provider may utilise if required.

Accommodation Providers receive information and training about the College's Safeguarding Policies including the 'Safeguarding Children and Young People Policy', 'Child Safety and Wellbeing Code of Conduct' and the Australian Childhood Foundation 'What is Child Abuse?' fact sheet.

The Accommodation Provider and all people living within the Accommodation Provider's residence who are over the age of 18 must hold a current Working with Children Check (volunteer), unless an exception applies as outlined at <https://www.vic.gov.au/do-i-need-check>.

Where a CAAW student will be residing with an Accommodation Provider, the student is provided with a Student Accommodation Card (digital contact card) which outlines the name, address and contact telephone number of the Accommodation Provider with whom the CAAW student will be staying for a specific Boarding House closure. This card is in addition to the Student Safety Card provided to all overseas students.

### 8 Monitoring of Overseas Student Location

The College utilises the Orah system to track and monitor the location of all Boarding students (including overseas students).

Where a student is unable to be contacted and there are concerns for the student's welfare, the College makes all reasonable efforts to locate the student, including notifying the Police, parents / guardians and any other relevant Commonwealth or state agencies (Commonwealth Department of Education; VRQA) as soon as possible.

Any student considered 'missing' will trigger the College's Critical Incident Management Plan. Further details are outlined in the Procedure 'Critical Incident Management and Procedures for Overseas Students'.

## D. Course Progress, Attendance and Duration

### 1 Policy Statement

The College will implement enhanced practices that support overseas students to complete their studies satisfactorily, and in doing so will meet the requirements of Standards 9, 10 and 11 of the National Code.

### 2 Rationale

Education providers, including the College, have extra imperatives for ensuring that overseas students complete their studies satisfactorily. To that effect Standard 8 of the National Code requires CRICOS-registered providers to support overseas students to complete their course within the required duration and to fulfil their visa requirements for course attendance and course progress.

The purpose of the present policy is to set out the College's approach to some of the "inputs" to academic success, in particular about making sure the student attends class and makes progress.

### 3 Scope

The scope of this policy includes the added practices and expectations for course progress and attendance by overseas students, and it excludes the practices and expectations that apply to all the College's students both overseas and local. For monitoring applicable to all students, including the College's approach to supporting students to meet satisfactory academic progress and intervention strategies employed where students are at risk of failing to meet required academic or attendance standards, refer to:

- Student Attendance Monitoring Policy
- Assessment Policy and associated procedures.

The scope excludes consideration of student welfare, which is addressed elsewhere.

### 4 Guiding Principles

The College's overarching approach will be to:

- Clearly inform overseas students before they start their studies at the College that they are required to achieve satisfactory course progress and attendance in each study period. In particular, the College will provide the Written Enrolment Agreement and relevant policies.
- Strive for early identification of, and intervention with, overseas students who are at risk of failing to meet attendance or course progress requirements.
- Always inform parents/guardians in writing of any instance where an overseas student has failed to meet course progress or attendance requirements or has been identified to be at risk not meeting them.

### 5 Course Progress

For all students the College monitors course progress in line with the College's Assessment Policy and associated procedures. If the College finds a student to be making unsatisfactory progress then the College considers the student to be 'at risk' of failing to meet course progress requirements. When that occurs the Head of Year or Head of House meets with the student to develop an intervention strategy for academic improvement. The strategy may include:

- Additional supervised study sessions
- Tutorial assistance
- Other intervention strategies as deemed necessary.

For overseas students, the Head of Year or Head of House will also inform the Director of Admissions, who in turn will advise the student (and his parents / guardians) in writing that the student is at risk of failing to meet his visa requirements. Similarly, copies of the student's individual strategy and progress reports will also be forwarded to the parents / guardians.

For all students the Head of Year or Head of House will monitor the student's individual strategy for academic improvement over the following semester, and will retain records of the student's responses to the strategy.

If an overseas student's progress is still unsatisfactory by the end of the next assessment period (i.e. semester), the College will advise the student (and his parents/guardians) in writing of its intention to report the student for breach of visa condition 8202. Refer to Section 7 'Reporting Unsatisfactory Course Progress or Attendance' below.

### 6 Attendance

For all students the College monitors attendance in line with the College's Student Attendance Monitoring Policy, and commences intervention processes from the first unapproved absence.

For overseas students, attendance is considered to be unsatisfactory when it falls below 80% of scheduled contact hours. Indicators that an overseas student is 'at risk' of failing to meet attendance requirements include:

- where he has been absent for more than 2-3 days in a four-week period
- where he has had an unapproved absence of 5 consecutive days
- where regular attendance monitoring indicates his overall attendance is between 85-90%.

For all overseas students the Overseas Student Coordinator assesses attendance every two weeks over a semester, calculating the number of days absence (including half days as 0.5) as a percentage of the number of days in the semester. Time serving a suspension (refer to 'Deferring, Suspending or Cancelling an Overseas Student's Enrolment' policy) is excluded from the calculations.

If an overseas student is considered 'at risk' of failing to meet attendance requirements the Overseas Student Coordinator will inform the relevant Head of Year or Head of House, who will in turn advise the Director of Admissions. The student will be counselled regarding his visa requirements and the College will seek to understand and address the cause of non-attendance. The Director of Admissions will advise the student (and his parents / guardians) in writing, that the student is at risk of failing to meet his visa requirements.

Despite intervention, if an overseas student's attendance falls below 80% of scheduled contact hours, the College will advise the student in writing, of its intention to report the student for beach of visa condition 8202. Refer Section 7 'Reporting Unsatisfactory Course Progress or Attendance' below.

If the overseas student provides genuine evidence demonstrating that compassionate or compelling circumstances apply (refer Page 2 of this document), and the overseas student is still attending at least 70% of the scheduled

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course contact hours, then the College may decide not to report the overseas student for breaching the attendance requirements.

If a student is assessed as at risk of falling below 70% attendance, the Principal or his delegate will assess whether a suspension of studies would be in the best interests of the student, under the 'Deferring, Suspending or Cancelling an Overseas Student's Enrolment' policy.

If the student's attendance falls below the 70% threshold, and the College does not grant a student a suspension of studies, then the College will report unsatisfactory attendance as outlined in Section 7 of this policy.

### 7 Duration

For overseas students the College monitors the student's course progress partly by ensuring that each student is in a position to complete the course within the expected duration specified on the student's Confirmation of Enrolment. Where the College considers that the workload of a student is such that he will not be able to complete the course within the expected timeframe as specified on the student's Confirmation of Enrolment, the College may make carefully considered modifications to the student's course.

Alternatively, the College may decide to extend the overseas student's course duration for the following reasons:

- Compassionate or compelling circumstances [For an outline of the circumstances that the College considers compassionate or compelling, refer to the section entitled "Factors affecting the interpretation of this policy" on Page 2 of this document.]
- Implementation of an intervention strategy for unsatisfactory course progress or attendance
- An approved deferral or suspension as detailed in the 'Deferring, Suspending or Cancelling an Overseas Student's Enrolment' policy.

If the College extends the duration of an overseas student's enrolment, the College will advise the student to contact the Department of Home Affairs to seek advice on any potential impacts on his visa, including the possible need to obtain a new visa. The College may issue a new Confirmation of Enrolment if required.

### 8 Reporting Unsatisfactory Course Progress or Attendance

If the College assesses that an overseas student is not meeting course progress or attendance requirements, and the College has implemented or attempted to implement an intervention strategy without success, the Director of Admissions will as soon as practicable provide the overseas student (and his parents/guardians) with a written notice which:

- Notifies the overseas student that the College intends to report the overseas student for unsatisfactory course progress or unsatisfactory attendance
- Informs the overseas student of the reasons for the intention to report
- Advises the overseas student of his right to access the College's complaints and appeals process within 20 working days.

If:

- the internal and external complaints processes have been completed and the decision or recommendation supports the College; or
- the overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period; or

- the overseas student has chosen not to access the external complaints and appeals process; or
- the overseas student withdraws from the internal or external appeals processes by notifying the College in writing,

then the Director of Admissions will report the overseas student via the Provider Registration and Overseas Students Management System (PRISMS) for not achieving satisfactory course progress.

For detail on the College's complaints process refer to the College's 'Complaints (Parent, Student and Community)' policy.

## E. Deferring, Suspending or Cancelling an Overseas Student's Enrolment

### 1 Policy Statement

The College will implement defined processes by which the enrolment of overseas students is deferred, suspended or cancelled – and in doing so it will meet the requirements of Standard 13 of the National Code.

### 2 Rationale

Standard 9 of the National Code requires the College to have and implement a documented process for assessing, approving and recording:

- Deferment of the commencement of study or suspension of study requested by an overseas student
- Suspension or cancellation of enrolment initiated by the College.

### 3 Scope

The scope of this policy *includes* the specific requirements that apply for overseas students in relation to the deferment, suspension or cancellation of the student's enrolment.

The scope *excludes* the considerations of suspension or cancellation of enrolment that apply for *all* students – they are covered in the following policies:

- Behaviour Management
- Student Code of Conduct
- Enrolment Agreement

Additional behavioural requirements applicable to all students are included in the Student Record Book.

### 4 Student-Initiated Request to Defer or Suspend Enrolment

A student may apply to defer or suspend their enrolment, on the grounds of compassionate or compelling circumstances, by submitting the *Application to Defer or Suspend Studies* form to Admissions. For an outline of the circumstances that the College considers compassionate or compelling, refer to the section entitled "Factors affecting the interpretation of this policy" on Page 2 of this document.

There is no maximum period for a deferral or suspension of studies for compassionate or compelling reasons, but the College will assess the deferral or suspension in accordance with the processes in this policy. The Principal is responsible for the final decision.

### 5 College-initiated Exclusion from Class, Suspension and Cancellation of Enrolment

The College may initiate an action to exclude an overseas student from class (which is called an “exclusion from class”) or to suspend or cancel an overseas student’s enrolment. It may take that action on grounds such as:

- Misbehaviour by the student
- Failure by the student or the student’s parents/guardians to pay an amount they were required to pay to the College in order for the student to undertake or continue the course as stated in the Written Enrolment Agreement and Enrolment Agreement
- A breach of course progress or attendance requirements Refer to the ‘Course Progress, Attendance and Duration’ policy
- Failure to maintain approved welfare and accommodation arrangements. Refer to the ‘Accommodation and Welfare’ policy.

Where the College intends to initiate an action to exclude a student from class, or to suspend or cancel enrolment, the College will, as soon as practicable:

- Inform the overseas student and his parents/guardians of the College’s intention and the reasons for doing so, in writing
- Advise the overseas student of their right to appeal, within 20 working days, through the College’s internal complaints and appeals process, in accordance with Standard 10 of the National Code and the College’s Complaints (Parent, Student and Community) policy.

If the College suspends or cancels an overseas student’s enrolment for any of the above reasons the decision will normally not take effect until the internal appeals process is completed. Until that time the student is required to maintain his enrolment and attendance at all classes as normal, unless the Principal directs otherwise. The Principal or his/her delegate will determine if participation in studies will be in class or under a supervised arrangement outside of class.

However, if the health or wellbeing of the overseas student, or the wellbeing of others, is likely to be at risk, then the Principal may determine that the suspension or cancellation will take effect immediately. Reasons for such determination may include situations where the student:

- Is under 18 years and refuses to maintain approved care arrangements
- Is missing
- Has medical issues, severe depression or psychological issues which lead the College to have concerns for the student’s wellbeing
- Has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others
- Is at risk of committing a criminal offence
- Is the subject of investigation relating to criminal matters.

If the Principal makes such a determination then the College will maintain supporting evidence.

# Policy

## Overseas Students

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If the College decides to defer, suspend or cancel an overseas student's enrolment then the College will:

- Inform the overseas student and his parents/guardians of the College's decision, in writing
- Inform the overseas student that deferring, suspending or cancelling enrolment on any grounds may affect their student visa, and of the need for the student to seek advice from the Department of Home Affairs
- Report the change to the overseas student's enrolment under Section 19 of the ESOS Act
- Continue to approve the welfare arrangements of the overseas student if the College has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) for that student, until any of the following applies:
  - The student has alternative welfare arrangements approved by another registered provider
  - Care of the student by a DHA Approved Relative
  - The student leaves Australia
  - The College has notified the Department of Home Affairs that it is no longer able to approve the student's welfare arrangements or that it has taken the required action after not being able to contact the student
  - The student turns (or is already) 18.

The College will serve any exclusion from class or suspension in accordance with the College's Behaviour Management policy. For overseas students additional specific requirements will apply as follows:

- The Principal may determine additional conditions of the student's exclusion from class or suspension dependent on the welfare and accommodation arrangements in place for the student
- An exclusion from class (less than 28 days) will **not** be recorded on the Provider Registration and Overseas students Management System (PRISMS)
- For a suspension (greater than 28 days), the College will require the student to return to their home country unless special circumstances exist. The College will advise the student to contact the Department of Home Affairs to discuss any visa implications.

The period of exclusion from class, suspension or deferral of enrolment will not be included in attendance monitoring calculations (as outlined in the 'Course Progress, Attendance and Duration' policy).

## F. Transfers

### 1. Policy Statement

The College will apply defined procedures when considering requests for students to transfer to an alternative education provider – and in doing so will comply with Standard 7 of the National Code.

### 2. Rationale

Standard 7 of the National Code states that overseas students are restricted from transferring between education providers within the initial six months of their first registered course of study. Additional requirements are in place for students under 18 years of age.

This policy outlines the College's approach to meeting the requirements of these regulations.

### 3. Scope

The scope of this policy *includes* requests by overseas students to transfer to an education provider other than the College. It *excludes* requests by local students.

All students seeking to cease their education with the College are bound by the College's Enrolment Agreement.

### 4. Student-initiated Transfer Requests

The College may grant a transfer request only after the overseas student has completed the first six months of their first registered course, unless an exception as outlined in Standard 7.1 of the National Code applies.

Requests for transfer to another registered provider must:

- Be in writing (can be by e-mail), utilising the *Application for Student Transfer* form, addressed to the Principal; and
- Include a valid enrolment offer from another registered provider.

The College will assess a transfer request within 10 business days of the overseas student lodging a written request, and notify the overseas student of the outcome.

The College may agree to the transfer request where it is considered to be in the overseas student's best interests. These circumstances may include, but are not limited to, where the College has assessed that:

- The overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the College's intervention strategy
- There is evidence of compassionate or compelling circumstances (refer Page 2 of this document)
- The College has, or will, fail to deliver the course as outlined in the Written Enrolment Agreement
- There is evidence that the overseas student's reasonable expectations about their current course are not being met
- There is evidence that the overseas student was misled by the College or an education or migration agent regarding the College or its course and the course is therefore unsuitable to their needs and/or study objectives



# Policy

## Overseas Students

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- An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

If the College grants a transfer request then:

- The transfer will be at no cost to the overseas student
- The College will advise the overseas student of relevant details to contact the Department of Home Affairs to seek advice on whether a new student visa is required.

### 5. Transfer of an Overseas Student Under 18 Years of Age

It is the responsibility of the receiving provider to ensure that there are no gaps in the overseas student's welfare arrangements. Where an overseas student is under 18 years of age:

- The College must have written confirmation that the overseas student's parent / guardian supports the transfer
- If the overseas student is not being cared for in Australia by a DHA Approved Relative, the receiving provider must confirm it accepts the responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 of the National Code.

### 6. Refusal of Transfer

The College may refuse a transfer request where reasonable grounds exist to do so, which may include:

- The overseas student is not genuinely engaging with an intervention strategy with the intention of failing and being released
- The student wants to live somewhere else.
- When the College intends to refuse a request, the College will inform the overseas student in writing of:
  - The reasons for refusal; and
  - The overseas student's right to access the College's complaints and appeals process within 20 working days, as outlined in the 'Complaints (Parent, Student and Community)' policy.
- The College will finalise the refusal status in the Provider Registration and Overseas Student Management System (PRISMS) only when any of the following apply:
  - Any appeal finds in favour of the College;
  - The overseas student has chosen not to access the complaints and appeals process within the 20 working day period; or
  - The overseas student withdraws their appeal against the process.

### 7. Accepting a Transfer from another Registered Provider

The College will not enrol an overseas student who seeks to transfer from another registered provider except in circumstances that meet the following exceptions:

- The releasing registered provider, or course in which the overseas student is enrolled, has ceased to be registered

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## Overseas Students

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- The releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his course at that registered provider
- The releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
- Any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided support for the change.

### 8. Record Keeping

All transfer request outcomes must be recorded in PRISMS when finalised and records of requests must be maintained for two years after the student ceases to be an enrolled student.

# Policy

## Overseas Students

### Appendix 1

## Overseas Students' Rights and Responsibilities

### Students' Rights

The ESOS Framework protects students' rights, including:

- Their right to receive, before enrolling, current and accurate information about the courses, fees, modes of study and other information from the provider and provider's agent. If students are under 18, to ensure their safety they will be granted a visa only if there are arrangements in place for their accommodation, support and welfare
- Their right to sign a written agreement with the provider before or as fees are paid, setting out the services to be provided, fees payable and information about refunds of course money. Students should keep a copy of the Written Agreement
- Their right to receive the education they paid for. The ESOS framework includes consumer protection that will allow them to receive a refund or to be placed in another course if the provider is unable to teach their course
- The students' right to know:
  - how to use the provider's student support services
  - who the contact officer or officers are for overseas students
  - if students can apply for course credit when enrolment can be deferred, suspended or cancelled
  - what the provider's requirements are for satisfactory progress in the courses of study
  - if attendance will be monitored for those courses what will happen if the student wishes to change providers
  - how to use the provider's complaints and appeals process.

### Students' Responsibilities

Overseas students have responsibilities to:

- Satisfy Student Visa conditions
- Maintain Overseas Student Health Cover (OSHC) for the period of their stay
- Meet the terms of the Written Agreement with their provider
- Inform the provider if the student changes address
- Maintain satisfactory course progress
- If attendance is recorded for the course, follow the provider's attendance policy
- Maintain approved accommodation, support and general welfare arrangements.

### Contact Details

Scotch College	For policies and procedures at the College	Director of Admissions <a href="https://www.scotch.vic.edu.au/admissions.aspx">https://www.scotch.vic.edu.au/admissions.aspx</a>
Department of Education (Cth)	For your ESOS rights and responsibilities	<a href="#">Department of Education website</a> ESOS Helpline: 1300 615 262 in Australia
Department of Home Affairs	For visa matters	<a href="#">Department of Home Affairs website</a> Phone: 1300 853 773 in Australia Contact the DHA office in your country