

PURPOSE:

1. The purpose of this policy is to outline the circumstances in which an overseas student can defer, suspend or cancel their enrolment with Quality Training & Hospitality College (QTHC). This may be initiated by either the overseas student for compassionate and compelling circumstances, or QTHC for student's breach of visa conditions, failure to pay fees, or misbehaviour.

The policy has been developed in accordance with National Code of Practice for Providers of Education and Training to Overseas Students 2018:

- Standard 9 Deferring, suspending or cancelling the overseas student's enrolment
- Standard 2 Recruitment of an overseas student - prior to accepting an overseas student or intending overseas student for enrolment in a course the registered provider make the grounds on which the overseas student's enrolment may be deferred, suspended or cancelled clear to students; and
- Standard 8 Overseas student visa requirements – must not extend the duration of the overseas student's enrolment if the overseas student is unable to complete the course within the expected duration unless an approved deferral or suspension of the overseas student's enrolment has occurred under Standard 9. If the registered provider extends the duration of the student's enrolment, the provider must advise the student to contact Immigration to seek advice on any potential impacts on their visa, including the need to obtain a new visa.

SCOPE:

2. The policy applies to all overseas students currently enrolled with QTHC in a CRICOS approved course. It covers student-initiated deferral, suspension and cancellation, as well as suspension and cancellation initiated by QTHC.

QTHC may only enable students to defer or temporarily suspend their studies, during the course through formal agreement in certain limited circumstances.

This policy outlines QTHC procedure for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student in accordance with the requirements of the National Code and ESOS Act.

DEFINITIONS:

Deferral: means to delay the commencement of a course (prior to commencing)

Suspension: means to temporarily delay the enrolment once the course has commenced.

Cancellation: means the cessation of an enrolment on a course.

DHA: Department of Home Affairs

Misbehaviour: is defined as students who display unacceptable behaviour in accordance with the Student Handbook and Code of Conduct

Compassionate or Compelling circumstances: is defined as circumstances beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- a) Serious illness or injury, where a medical certificate states that the student was unable to attend classes,

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- 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 on the student's studies,
- d) A traumatic experience which could include:
 - Involvement in, or witnessing of a serious accident; or
 - Witnessing or being the victim of a serious crime, and these experiences have impacted on the student (cases should be supported by police or psychologists' reports)
- e) Where QTHC was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.

The above circumstances are only some examples of what may be considered compassionate or compelling circumstances. The International Student Support Officer together with the Managing Director and/or Operations Director will use their professional judgement to assess each case on its individual merits.

PROCEDURE:

STUDENT COMMUNICATION

3. Prior to accepting an overseas student or intending overseas student for enrolment in a course QTHC make the grounds on which the overseas student's enrolment may be deferred, suspended or cancelled clear to students through:

- a) Letter of Offer and Acceptance
- b) Student Pre-Enrolment Handbook
- c) Website

Fees associated with cancellation are contained in the Refund and Cancellation Fee Policy.

Students must seek advice from the Department of Home Affairs on the potential impact on their visa if enrolment has been deferred, suspended or cancelled.

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4. In accordance with the National Code, QTHC can defer or temporarily suspend a student's enrolment on the grounds of:
 - a) Compassionate or compelling circumstances, or
 - b) Misbehaviour by the student
5. In addition to a deferment or temporary suspension, QTHC may cancel a student's enrolment on the grounds of:
 - a) Serious misbehaviour by the student
 - b) Failure to comply with the Contract Agreement for Course Progress and Attendance, and any formal warning issued by QTHC against these processes, and
 - c) The Non-Payment of Course Fees in accordance with the Contract Agreement and Payment Schedule, or any agreed payment arrangement.

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6. In any given situation that leads to a deferment, temporary suspension or cancellation of studies, instigated by QTHC, formal written notification will be provided to the student. In turn, the student shall have 20 working days to access QTHC Internal Complaints and Appeals process.

The deferment, temporary suspension or cancellation of studies cannot take effect until the Internal Complaints and Appeals process has been completed, unless extenuating circumstances relating to the welfare of the student apply. The overseas student will not be given an opportunity to appeal QTHC initiated deferral, suspension or cancellation of enrolment when the overseas student's health or well-being, or the wellbeing of others, is likely to be at risk. QTHC will keep evidence to support this. This may include when the overseas student:

- Is missing
 - Has medical concerns, severe depression or psychological issues which lead the provider to fear for the overseas student's wellbeing;
 - Has engaged or threatens to engage in behaviour that is reasonably believed to endanger the overseas student or others; or
 - Is at risk of committing a criminal offence.
7. At the completion of the complaints and appeals process, should the deferment, temporary suspension or cancellation of studies be upheld by the complaints and appeals hearing, QTHC will inform DHA via PRISMS as required under the ESOS Act.

Misbehaviour

8. To ensure all students receive equal opportunity to gain the maximum benefit from their training, any person(s) displaying the following dysfunctional or disruptive behaviour may be asked to leave the session and/or the course.

Examples of unacceptable behaviour include but are not limited to the following:

- a) Continuously interrupting the trainer.
- b) Smoking in non-smoking areas.
- c) Being disrespectful to other participants.
- d) Bullying or harassment including sexual harassment
- e) Using offensive language.
- f) Acting in an unsafe manner that places themselves and others at risk.
- g) Refusing to participate when required, in group activities.
- h) Continued absence or late arrival/leaving early from class

Misbehaviour may result in suspension or cancellation of enrolment.

Refer to QTHC Course Progress and Attendance Policy for information about managing course progress during allegations of misconduct

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STUDENT INITIATED

9. In accordance with the National Code, students may through formal agreement with QTHC, be given permission to defer commencement, temporarily suspend their studies during the course or be granted a leave of absence. This may only occur on the grounds of:
- a) Compassionate or compelling circumstances, or
 - b) Student VISA delay

Deferral

10. Applications for deferral of the commencement of the course must be made by completing a Course Variation Form with any additional evidence and submitting it to QTHC International Student Support Officer prior to the course commencing.
- a) The Course Variation Form can be submitted via Email, Mail or in Person.
11. Once QTHC has processed the deferral request, the student will receive written correspondence of the outcome within ten (10) days.
- a) An updated Confirmation of Enrolment letter and Enrolment Agreement will be provided to reflect the new schedule.
 - b) QTHC will inform DHA via PRISMS as required under the ESOS Act.

Suspension

12. Applications for Suspension of enrolment must be made by completing a Course Variation Form with any additional evidence and submitting it to QTHC International Student Support Officer.
- a) Applications must be received at least 10 working days prior to the requested Suspension date.
 - b) Applications received less than 10 working days prior to the requested Suspension date will not be processed.
 - i. In the event of an emergency situation requiring Suspension, the submission timeline of 10 working days may be waived by QTHC.
 - c) Student needs to be aware that suspending enrolment for any length of time may impact their timetable or the finish date of their course. The student will need to meet with the International Student Support Officer prior to suspension, to discuss any changes to schedule required due to the suspension of enrolment, this may be through an Intervention Plan being developed for the student to get back on track with their studies.
13. Once QTHC has processed the Suspension request, the student will receive written correspondence of the outcome within ten (10) days.
- a) QTHC will inform DHA via PRISMS as required under the ESOS Act.

Cancellation

14. Applications for Cancellation of enrolment must be made by completing a Course Variation Form with any additional evidence and submitting it to the International Student Support Officer.
- a) The Course Variation Form can be submitted via Email, Mail or in Person.

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15. Once QTHC has processed the Cancellation request, the student will receive written correspondence of the outcome within ten (10) days.
 - a) If the request is granted and the student is within the first 6 months of their principal course, the student will receive a written Letter of Release.
 - i. Once the Cancellation has been processed, QTHC will inform DHA via PRISMS as required under the ESOS Act.
 - b) If the request is denied, then the student may appeal the outcome in accordance with the Complaints and Appeals Policy.

GUIDELINES AND IMPLICATIONS OF DEFERRAL, SUSPENSION OR CANCELLATION

16. Overseas students must seek advice from Immigration (Department of Home Affairs) about the potential impact the deferral, suspension or cancellation may have on their student visa.
17. Students are to be made aware that:
 - a) Students can only temporarily suspend enrolment for a maximum period of six months,
 - b) Deferral, Suspension or Cancellation of enrolment may affect the student's VISA, and;
 - c) Cancellation fees or additional charges may apply as outlined in QTHC's Refund Policy.

ROLES AND RESPONSIBILITIES

18. All documentation relating to deferment, temporary suspension or cancellation of studies will be held in the student's file.
19. In addition, any discussions with the student and relevant staff members relating to the deferment, temporary suspension or cancellation of studies will be recorded and placed in the student's file.

REPORTING PROCESS

Quality Training & Hospitality College Initiated

- a) International Student Support Officer to bring to the attention of the Director and/or the Operations Director any instance warranting QTHC initiated deferment, suspension or cancellation.
- b) Director and/or the Operations Director will then assess the case and evaluate any supporting evidence, taking into account the current attendance and academic progress of the student
- c) Director and/or the Operations Director will inform the student of the decision and intended course of action along with the student's right to appeal the decision in accordance with the Complaints and Appeals Policy
 - i. At the completion of the complaints and appeals process, should the deferment, temporary suspension or cancellation of studies be upheld by the complaints and appeals hearing, or 'extenuating circumstances relating to the welfare of the student apply', then QTHC will inform the DHA via PRISMS as required under the ESOS Act
- d) International Student Support Officer to file all documents in the student's file.

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Student Initiated

- a) Student completes and submits a Course Variation Form with any supporting evidence to QTHC International Student Support Officer
- b) International Student Support Officer together with Director and/or the Operations Director will then assess the request and evaluate any supporting evidence, taking into account the current attendance and academic progress of the student
- c) International Student Support Officer will then respond in writing to advise the student of the outcome
 - i. The student has the right to appeal the decision in accordance with the Complaints and Appeals Policy
 - ii. The student will need to seek advice from Department of Home Affairs about the potential impact to their student visa.
- d) International Student Officer to file this letter in the students file.

Effect on Confirmation of Enrolment (CoE)

Deferring, suspending or cancelling an enrolment on any ground may affect a student visa. The three possible outcomes for a student's CoE are:

1. QTHC notifies DHA through PRISMS that they are deferring or suspending an overseas student's enrolment for a period without affecting the end date of the CoE. There will be no change to the CoE on PRISMS – the overseas student will be listed as studying. However, the notice of deferment or suspension will be recorded in PRISMS
2. QTHC notifies DHA through PRISMS that they are deferring or suspending an overseas student's enrolment for a period which will effect the end date of the CoE. If QTHC does not know when the overseas student will return, it can choose not to create a new CoE at that point, but to wait until the overseas student has notified the registered provider of the intended date of return before creating a new CoE.
3. The registered provider notifies DHA through PRISMS that it wishes to permanently cancel (terminate) the overseas student's enrolment. Once this process is complete, the overseas student's CoE status will be listed as 'cancelled'. If the overseas student is under the age of 18, the cancellation of a CoE does not cancel a Confirmation of Appropriate Accommodation and Welfare (CAAW), and the registered provider is still responsible for welfare arrangements until one of the conditions of Standard 5.6 are met.

Regardless of the reason, if an overseas student's enrolment is deferred or suspended, the period of suspension of enrolment (as entered in PRISMS) should not be included in attendance monitoring calculations.

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APPENDIX

National Code of Practice for Providers of Education and Training to Overseas Students 2018

Standard 9 – Deferring, suspending or cancelling the overseas student's enrolment

Deferring, suspending or cancelling the overseas student's enrolment

- 9.1 A registered provider must have and implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.
- 9.2 A registered provider may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.
- 9.3 A registered provider may suspend or cancel a student's enrolment including, but not limited to, on the basis of:
 - 9.3.1 misbehaviour by the student
 - 9.3.2 the student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement
 - 9.3.3 a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
- 9.4 If the registered provider initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the registered provider must:
 - 9.4.1 inform the overseas student of that intention and the reasons for doing so, in writing
 - 9.4.2 advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
- 9.5 When there is any deferral, suspension or cancellation action taken under this standard, the registered provider must:
 - 9.5.1 inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa
 - 9.5.2 report the change to the overseas student's enrolment under section 19 of the ESOS Act.
- 9.6 The suspension or cancellation of the overseas student's enrolment under Standard 9.3 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

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