

National Code Standard 7

Policy – Student transfer between registered providers

| ISSUE | PAGE |
|--|------|
| Overview | 1 |
| Definitions | 1 |
| Application of Policy | 1 |
| Transferring to the College | 1 |
| Transferring from the College | 2 |
| When a letter of release will be granted | 2 |
| When a letter of release will not be granted | 2 |
| Form of request for transfer | 3 |
| Assessment of request for transfer | 3 |
| Record of request for transfer | 4 |
| Procedures for granting letter of release | 4 |
| Right of appeal | 4 |
| Refunds | 4 |
| Procedure flowchart | 5 |

Overview

1. The College acknowledges that circumstances may arise in which students wish to transfer their studies from one registered provider to another. This policy sets out the circumstances in which the College will accept students transferring from another provider and also when the College will release its own students.
2. This policy reflects the fact that students are consumers and the College will apply this policy having due regard to the factors set out below and the particular circumstances of the individual student.
3. It also recognises the obligations imposed by the ESOS Act which prohibits a student from transferring from his or her original provider's course before completing six months of his or her principal course of study. If such a transfer is requested, it must normally be accompanied by a letter of release.

Definitions

Principal course of study means the course of study with the highest qualification on the student visa. It is usually the last course the student will undertake.

Initial period means the six calendar month period commencing from the first day of a student's principal course.

Application of Policy

4. Paragraphs 5 onwards of this policy only applies to students wishing to transfer registered providers before the expiry of the Initial Period. After the expiry of the Initial Period, students are free to transfer between registered providers, however students must advise the College in writing of their intention to transfer by lodging an ST70 Transfer to Another Provider Form.
5. If students are enrolled in a package of courses and wish to transfer before completing six months of their principal course of study, a letter of release must still be provided in respect of the non-principal courses of study. Students wishing to transfer their preliminary course are advised by this policy that this may have

ramifications for your principal course (as, for example, the preliminary course may satisfy certain prerequisites).

6. For transfers after the Initial Period, the College has the right to withhold release of a student's transcript where any outstanding fees remain unpaid by a student. Students wishing to transfer after the Initial Period should refer to the College's refund policy to determine whether they may be eligible for a refund.

Transferring to the College

7. The College will not knowingly enrol an overseas student wishing to transfer from another registered provider's ('**Other Provider**') course before the Initial Period expires except in the following cases:
 - 7.1. **Registration:** The Other Provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
 - 7.2. **Government sanction:** The Other Provider has had a sanction imposed on its registration by a government authority which prevents the student from continuing his or her principal course;
 - 7.3. **Government sponsor and student's best interests:** Where the student has a government sponsor and that sponsor believes the change to be in the student's best interests and has provided written support for that change;
 - 7.4. **Letter of release:** The Other Provider has provided a written letter of release.
8. Where a student transfers to the College in accordance with this policy, all evidence relating to the transfer will be retained on the student's file.

Transferring from the College

9. An overseas student who has not completed the Initial Period of his or her principal course of study may request a letter of release so as to transfer from the College to another registered provider.
10. A letter of release is **not** required if:
 - 10.1. A student has completed more than the Initial Period of his or her principal course of study;
 - 10.2. The student is a government sponsored student and the government support the student;
 - 10.3. In the unlikely event that the College is unable due to deregistration or sanction to deliver the principal course of study to the student.

When a letter of release will be granted

11. The College will grant an overseas student's request for a letter of release provided the following conditions are met to the College's satisfaction:
 - 11.1. the new course would be in the **best interests of the student** taking into account the individual circumstances of the student (for factors which indicate that this may be the case see discussion at paragraph 12 below);
 - 11.2. the transfer will **not be detrimental** to the student (for factors which indicate that this may be the case see discussion at paragraph 15 below); and
 - 11.3. all outstanding course moneys owing under the student's written agreement with the College have been paid; and
 - 11.4. a valid enrolment offer has been received from the new provider; and
 - 11.5. where a student is aged under 18 they have provided written evidence that the student's parent or legal guardian supports the transfer and where appropriate, written confirmation that the new

provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements as per National Code Standard 5.

12. Factors which the College will consider in determining whether a transfer of course within the Initial Period would be in the best interests of the student include:
 - 12.1. the new course would better meet the academic capabilities of the student;
 - 12.2. the new course would be better suited to meeting the long term goals of the student (such goals may be academic, career based or of a personal nature);
 - 12.3. the new course would provide better access to support services for the student (for example, the new provider may provide different support services better suited to the student or they may enable the student to have better access to family, friends or a similar cultural support network);
 - 12.4. whether there are compassionate and compelling circumstances in the particular instance;
 - 12.5. whether a refusal of the application for a letter of release would have a detrimental effect on the student (for example, if the semester begins in February and ends in June, a student who cannot transfer until the end of July may miss enrolment cut offs for other institutions and this may have a detrimental effect on the student).
 - 12.6. the student's reasonable expectations about the current course are not being met.
13. It is the student's responsibility to provide evidence satisfactory to the College that the proposed transfer would be in the student's best interests and satisfies one of the reasons set out above in paragraph 12.

When a letter of release will not be granted

14. The College will not grant an overseas student's request for a letter of release in circumstances where the College is of the opinion that transfer to another registered provider would be **detrimental** to the student.
15. The College may form the opinion that a transfer would be detrimental to the student if one or more of the following factors are present:
 - 15.1. The student has not commenced his or her principal course at the College or the request is made less than 4 weeks after the student commenced his or her principal course at the College (as this indicates that the student may not have given enough time to appreciate the merits of the current course and may be needing further support services from the College to enable them to transition to life and study in Australia). If such a view is reached by the College, then further support services will be offered to the student and tailored to their individual needs in accordance with College policy. The student's progress and satisfaction with the course will be monitored if this is the case;
 - 15.2. The College believes that the transfer may jeopardise the student's progression through a package of courses;
 - 15.3. The College believes that the student is trying to avoid being reported to DIAC for failure to meet attendance or academic progress requirements;
 - 15.4. The College believes that the provider and/or course to which the student wishes to transfer are not of the same standard as the College and/or its course.
16. In addition, the College will not grant an overseas student's request for a letter of release if any course monies or other amounts owed by the student to the College are unpaid. Please also refer to the College's refund policy.

Form of request for transfer

17. A student wishing to transfer from the College to another registered provider must request a letter of release from the College.
18. **Form of request:** A request for a letter of release must:
 - 18.1. be in writing on the ST 70-Transfer To Another Provider Form,
 - 18.2. include all relevant information concerning the reasons for the request,
 - 18.3. include documentary evidence acceptable to the College that supports the reasons for the request,
 - 18.4. be signed by the overseas student (or the student's parent or legal guardian if the student is under 18 years of age),
 - 18.5. identify the registered provider and course to which the overseas student wishes to transfer, such identification to include full particulars of name, address and CRICOS codes for the provider and course; and
 - 18.6. be accompanied by a copy of the Letter of Offer received from the other provider.

Assessment of request for transfer

19. All assessments of requests for transfers made by students who have not yet completed the Initial Period of study will be considered by National Manager or, in her absence, by the Chief Executive Officer, or by any other College official nominated by the Chief Executive Officer / National Manager ('**Officer**') in accordance with this policy. The Officer will ensure that any reasons stated by the student for requesting a letter of release are adequately supported.
20. Provided that a request for a letter of release is made in the approved form with all the necessary supporting evidence (as set out in the section above titled 'Form of request'), the College will use its best endeavours to assess and reply to the student **within 10 working days** of the request being received by the College.
21. If, for whatever reason, the Training Officer determines that further information is needed from the student or another relevant party (such as an agent or other registered provider), before the student's request can be properly assessed, such request for further information will be made by the College within the initial 10 working day period. Once the further information is received by the College, the College will use its best endeavours to assess the student's request within the following 10 days.
22. All references to 'days' in this policy are references to working days (that is, Monday to Friday) and excludes public holidays.

Record of request for transfer

23. All records of requests from students for a letter of release will be kept on the students' file. In addition, the student's file will contain records of the assessment of the student's request including what decision was made in relation to the request. If a letter of release is granted, a copy of the letter will be kept on file.

Procedures for granting letter of release

24. If the College grants an overseas student's request for a letter of release, the College will provide the letter of release but only if the student has provided a letter from another registered provider confirming that a valid enrolment offer has been made.
25. **Under 18 years of age:** In addition, where the student is under 18 years of age, a request for a letter of release will only be granted where:

- 25.1. the College has written confirmation that the student's parent or legal guardian supports the transfer; and
 - 25.2. where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger students).
26. Where a letter of release is granted, it will be issued at no cost to the student and will advise the student of the need to contact DIAC to seek information and advice on whether a new student visa is required.

Right of appeal

27. If the College decides not to grant a letter of release, the College will, within 10 working days of receipt of the written request for a letter of release, provide the overseas student with written reasons for refusing the request and will inform the student of his or her right to appeal the College's decision in accordance with the College's appeals policy.
28. The letter to the student will note the decision made in the case, detailed reasons for the decision, the factors taken into account by the College and the student's individual circumstances.

Refunds

29. Refunds arising from the transfer of an overseas student to another registered provider shall be determined in accordance with the College's Refund Policy. Students should note that refunds may not be available in all cases where releases are granted depending on the application of the College's Refund Policy to the particular circumstances in question.

Related policies/forms

- Refund policy
- ST 70-Transfer To Another Provider Form

PROCEDURES

Where an overseas student requests a letter of release, that request will be assessed against this policy and related procedures as amended from time to time.

| | |
|---------------|---|
| STEP 1 | A written request must be submitted on a ST 70-Transfer To Another Provider Form. A letter of release will be considered by the National Manager or, in her absence, by the Chief Executive Officer, or by any other College official nominated by the Chief Executive Officer. |
| STEP 2 | A receipt may be issued to the student upon lodging a request for a letter of release. |
| STEP 3 | All requests will be considered within 10 working days of their receipt or, if required, further information will be requested from the student within this time frame. |
| STEP 4 | If granted, a letter of release will be provided at no cost to the overseas student and will advise the overseas student of the need to contact DIAC to seek advice on whether a new student visa is required. |
| STEP 5 | If not granted, a letter will be provided to the student setting out in detail the reasons for the refusal and of the student's right of appeal. |
| STEP 6 | Any appeal against a decision not to grant an overseas student's request for a letter of release will be considered by a panel consisting of the Chief Executive Officer, the National Manager, and the Training Co-ordinator in accordance with the College's appeal policy. |