



## Policy for Transferring between Registered Providers

### Purpose

The policy describes the requirements for transferring from one provider to another and vice-versa for International Students.

This policy is to ensure that the College does not enroll:

- any transferring international student prior to completion of 6 months of their principal course unless:
  - o the original provider has ceased to be registered or the course in which the student is enrolled in ceases to be registered.
  - o that student has a valid letter of release agreeing to such a transfer.
  - o the original provider has had a sanction imposed on its registration by the Australian and / or State Governments that prevents the student from continuing their principal course.
  - o Any government sponsor of the student considers the change to the student to be in the student's best interest and has provided written support for that change.
- an overseas student who has already been enrolled in the same course unless the student has not complete the relevant course and the registered provider has given a letter of release to the student for the relevant course.

This policy details the procedures for assessing applications to transfer within this period.

Students who have studied longer than this period can apply as normal and no letters of release need to be sighted or produced.

The RTO's policies support the intent of Standard 7 and EOS Regulation Section 10 and consider individual circumstances and will provide a letter of release at no cost to the student. The RTO will always advise the student of the need to contact DIBP to seek advice on whether a new student visa is required.

The RTO will ensure this policy is available to both staff and students by including it in the Staff and Student Handbook.

### Policy

Under this policy the RTO will support 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.

### Enrolling a Transferring Student

Under this policy the RTO will **not** enroll any transferring international student prior to completion of 6 months of their principal course unless:

- o the original provider has ceased to be registered or the course in which the student is enrolled in ceases to be registered.
- o that student has a valid letter of release agreeing to such a transfer.



- the original provider has had a sanction imposed on its registration by the Australian and / or State Governments that prevents the student from continuing their principal course.
- 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.

Further, the RTO will not enrol an overseas student who has already been enrolled in the same course unless:

- a) the student has not completed the relevant course and the registered provider has given a letter of release to the student for the relevant course.

The RTO may enrol a student if they have documentation that approximates the letter of release (e.g. the student has evidence their CoE was conditional on meeting certain entry requirements and they did not meet the requirements). The RTO will note this in PRISMS and keep the documentation on the student's file.

*Note: A student wanting a CoE for the purposes of applying for a new visa is not considered to be a circumstance that would constitute an approximation of a letter of release.*

### **Provider obligations under Standard 1.3 and 4.3.a**

Under Standard 1.3 providers must not actively recruit a student where this clearly conflicts with its obligations under Standard 7. Furthermore, Standard 4.3.a of the National Code requires providers not to accept students from or enter into an agreement with an education agent where it knows or suspects that the education agent has deliberately attempted to recruit a student where this clearly conflicts with the obligations of providers under Standard 7.

### **Transferring away from the RTO**

If a student wishes to transfer away from the RTO, the RTO will provide a letter of release unless the student has failed to provide a letter from another registered provider confirming that a valid enrolment offer has been made.

In situations where students are eligible for a Letter of Release, the RTO will provide such a letter within 10 working days of receiving a written request.

### **Circumstances in determining release**

The policy will ensure students' individual circumstances are considered in order to determine if the transfer will be to the detriment of the student.

Circumstances for which transfer may be considered include:

- if the course the student wishes to transfer to:
  - better meets the study capabilities of the student
  - better meets the long term goals of the student, whether these relate to future work, education or personal aspirations



- if 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)
- if the student claims or can provide evidence that his or her reasonable expectations about the current course are not being met

Factors that may be considered to the student's detriment, but which should be considered in light of the student's individual circumstances and a broader range of factors, such as those outlined above, include:

- if the transfer may jeopardise the student's progression through a package of courses
- 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
- if the student is trying to avoid being reported to DIBP for failure to meet the provider's attendance or academic progress requirements.

### **Refusing to provide a letter of release**

The RTO will not give a student a letter of release unless the student shows them a valid letter of offer of enrolment from another provider.

When a request for release is refused, the student will be provided with written response stating the reason for the refusal.

The student will be given advice in writing that it is possible to appeal the decision if the student so chooses.

### **Students withdrawing from a course**

If a student withdraws from a course the ESOS Act requires that the provider advise the Department of Education and Training (DET) through PRISMS within 14 days. This information is transmitted to the Department of Immigration and Border Protection (DIBP) and has implications for the student's visa.

### **Refund of Fees**

If a student transfers to another provider, any refunds of course fees paid to the original provider will be in accordance with the original provider's refund policy.



## **Procedure for Assessing Students Wishing to Transfer to the RTO**

1. The College receives an application from a student who is “on-shore” and who has indicated that they are currently studying at another institution.
2. The College use PRISMS to decide if the student has completed 6 months of their principal course. They also use the copy of the student visa in the passport to ascertain what the principal course is and when they arrived in Australia.

If the above 2 points have been met, the application process proceeds as for all off-shore students.

**If they have not** met the above points, the students must be asked to provide an appropriate “**letter of release**” in support of their application.

Students can be provided with a “conditional” offer which clearly states that an offer of a place is contingent on their obtaining a letter of release. If they are under 18, the RTO will not accept their enrolment.

*Note: If they are in receipt of a Government scholarship, they should provide written support from this government agreeing to the change which will stand in lieu of any letter of release*

If a letter of release is received as per above and the student has no outstanding fees to be paid to the prior institution or other outstanding matters of concern, the application proceeds as for all off-shore applicants.

**If no satisfactory letter of release is obtained** from such students, the application process is halted and the student 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.

*Note: In the very rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue with the course, no letter of release is required.*

## **Procedure for Assessing Transfer Applications from Students Wishing to Transfer Away from the RTO**

1. Students make a written request (e-mail is satisfactory) to the PEO, or their delegate to transfer to another provider.
2. The student is asked to provide a valid offer of enrolment from the new institution.
3. With the valid offer of enrolment, the College will assess the transfer request considering the following questions:
  - Does the student have any outstanding fees payable? (if they do, these must be paid before a letter of release can be provided)
  - Is the student fully aware of the study issues involved in the transfer?



- Is the student simply trying to avoid being reported to DET due to lack of course progress or poor attendance?
4. If the answers to the above are satisfactory and in accordance with policy, the letter of release will be granted at no charge to the student. The student will also be advised of the need to contact DIBP to determine if they need to obtain a new.
  5. The College report students termination of studies through PRISMS

If any of the answers are unclear, the Director, or their delegate will need to interview the student and gain a fuller understanding of the circumstances.

The PEO, or their delegate will make a recommendation if they believe the request should be refused or alternatively they will grant the letter of release.

The PEO, or their delegate will inform the student in writing of a negative outcome with reasons and indicate that the student may access the student appeal process as detailed in the Student Handbook if they seek a review.

**Notes:**

- The above assessment procedure should not take more than 48 hours once the student has provided the necessary documentation.
- All requests, considerations, decisions and copies of letters of release should be placed on student's file
- The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the refund policy independent of this policy.



## Overview of Standard 7

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

- 7.1 The receiving registered provider must not knowingly enrol the 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.
- 7.2 The registered provider must have and implement its documented student transfer request assessment policy and procedure, which is available to staff and students. The policy must specify:
- the circumstances in which a transfer will be granted
  - the circumstances the registered provider 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.
- 7.3 The registered provider must grant 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, and
  - where the student is under 18;
    - the registered provider has written confirmation that the student's parent or legal guardian supports the transfer, and
    - 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)
- 7.4 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.
- 7.5 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 the registered provider's decision in accordance with Standard 8.
- 7.6 The registered provider must maintain 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.