

**DEFERRING, SUSPENDING OR CANCELLING OF OVERSEAS STUDENT'S ENROLMENT
POLICY AND PROCEDURE POLICY AND PROCEDURE**

Legislation	The National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2018 Standard 9 Deferring, suspending or cancelling the overseas students enrolment.
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Purpose

This policy/ procedure supports “Standard 9 which requires a registered provider to 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.

Scope

This policy applies to international students enrolled in Ella Baché College courses.

Policy Statement

Student-initiated Deferrals, Suspensions or Cancellations

Students can only apply to Ella Bache College Pty Ltd t/a Ella Bache College for deferment, suspension or cancellation of their studies for compassionate or compelling circumstances.

‘Compassionate or compelling’ circumstances are generally those beyond the control of the overseas student and which have an impact upon the overseas student’s course progress or wellbeing. These could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes;
- bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student’s studies;
- a traumatic experience, which could include:
 - o involvement in, or witnessing of a serious accident; or
 - o witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists’ reports)
- where the registered provider 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; or
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

The length of time of the suspension is also at the discretion of Ella Bache College and shall be negotiated between the student and the Chief Executive Officer of Ella Bache College.

A suspension does not entitle a student to a refund.

Suspension of study requested by student

Once the student has commenced the course, Ella Bache College will only grant a suspension of study for compassionate and compelling circumstances as above.

The period of suspension will **not** be included in attendance calculations. A new CoE may be required to be issued.

Deferral prior to commencement

Students may request a deferral prior to course commencement. Requests must be in writing and addressed to the Admin Officer. If the deferral is approved the student will receive a revised International Student Written Agreement and CoE.

A deferral does not entitle a student to a refund.

All applications for deferment or suspension will be considered and the decision provided in writing to the student within 10 working days from the date of application.

Ella Bache College may choose to grant or decline any student's request for deferment or suspension of studies. All documentation including reasons is to be kept on the student file.

If students apply to suspend their studies the maximum allowable period of suspension is one (1) trimester only.

Students may be required to apply for a new student visa to continue their course.

Ella Bache College will use our professional judgement to assess each case on its individual merits. Documentary evidence will be required to support any compassionate/compelling application. All evidence/notes/comments must be kept on the student file.

Ella Bache College may temporarily suspend or cancel a student's enrolment if it deems the student's behaviour to be unacceptable for the educational setting. Student Code of Conduct is provided to students in the International Student Handbook and is available on the website; [Click Here](#)

Regardless of whether the 'suspension of enrolment' at the student's request or a provider imposed suspension (due to misbehaviour), the period of suspension entered in PRISMS should **not be** included in attendance monitoring calculations.

Once a student's enrolment is cancelled, deferred or temporarily suspended Ella Bache College will advise the student to seek advice from immigration on any potential impact on their visa and notify the Department of Education via PRISMS as is required under section 19 of the ESOS Act.

Ella Bache College Initiated Deferrals, Suspensions or Cancellations

The length of time a student may have their enrolment suspended is at the discretion of the Chief Executive Officer or delegate of Ella Bache College. A student's enrolment may not be suspended more than one (1) Trimester without the circumstances being re-assessed. The student will be notified in advance of the reasons and the timeframe of the suspension. A student may appeal a suspension decision through Ella Bache College's internal appeals process. Any appeal will be dealt with as a matter of urgency to minimise any disadvantage to the student. A student's enrolment will be maintained throughout the process.

If, as part of this process, a student's enrolment is cancelled, the student will be notified in writing of the reasons for the cancellation and given twenty (20) working days to access Ella Bache College's internal complaints and appeals process.

Any change in enrolment status will not be reported to the Department of Education until the internal appeals process has been completed unless extenuating circumstances relating to the student apply. Once the deferral, suspension or cancellation is processed Ella Bache College will notify the Department of Education via PRISMS.

Suspension

- Ella Bache College may initiate a suspension of studies on the grounds of:
 - Misbehaviour of a student, in accordance with Ella Bache College's Student Code of Conduct.
 - As part of the intervention strategy for unsatisfactory progress as defined in the Monitoring Course Progress Policy;
 - The student's failure to pay required fees to undertake or continue the course;
 - In compassionate and /or compelling circumstances as determined by the Education Manager.
- Attendance will not be recorded during a period of suspension.
- Course suspension will be recorded on PRISMS.
- Ella Bache College may recommend a student who will be absent for an extended period of time for genuine reasons to 'suspend' their enrolment until they are able to return to class. Medical evidence etc would be required prior to any consideration by Ella Bache College.

Cancellation

- Ella Bache College may initiate the cancellation of a student's course:
 - On the grounds of misbehaviour, in accordance with Ella Bache College's Student Code of Conduct
 - due to the student no longer holding a Student Visa
 - due to the student's failure to pay course fees
 - Student not being a *genuine/bona fide* student, being, they do not attend class or progress in their course as further defined below.
- Course suspensions/cancellations will be recorded on PRISMS.

A non genuine/non bona fide student is defined by Ella Bache College as a student with erratic (irregular/inconsistent) course progress or does not progress in their course and does not attend/does not participate in regular classes. Ella Bache College will ensure that prior to enrolment; students are made aware of the grounds on which cancellation of enrolment may occur, as provided to them via the International Student Handbook.

Ella Bache College can suspend or cancel a student's enrolment against the student's wishes, provided that the suspension or cancellation is consistent with Ella Bache College policies and/or Australian Law. Before suspending or cancelling a student's enrolment, Ella Bache College must notify the student of its intention to take such action and allow the student 20 working days to access the complaints and appeals process. (See: *Complaints, Grievances and Appeals Policy*).

Students are advised that a deferment or suspension of their studies may affect their visa.

Ella Bache College is not required to wait for the outcome of any **external appeals** process before notifying the Department of Education and Training (DET) of the cancellation of the student's enrolment.

Students who have their enrolment suspended/cancelled are subject to the rules of the refund policy regarding any refund of fees.

Where Ella Bache College has reason for concern for the welfare of the student or those with whom the student may come into contact, Ella Bache College will cancel the student's enrolment prior to completion of any appeals process.

Students have 20 working days in which to initiate the Ella Bache College Complaints and Appeals process. Notification on PRISMS will not occur until the result of the internal appeals process is known, unless extenuating circumstances relating to the welfare of the student apply, such as:

- the student is at risk of committing a criminal offence or is the subject of investigation relating to criminal matters
- the student's actual or threatened behaviour poses a threat to other staff/students/person
- student has medical or psychological problems that may affect their well-being
- the student cannot be located

If a student's visa is cancelled by Ella Bache College, students must contact DHA within 28 days to inform DHA of their plans (to find another course, return home or access an external appeals process) and take all relevant paperwork (for example, new CoE) to DHA.

Procedure

Students must apply in writing for a deferment/suspension of their studies.

All applications for deferment or suspension will be considered and the decision provided in writing to the student within 10 working days from the date of application.

The application will be assessed on its own merits by Ella Bache College Education Manager (documentary evidence should be included with the application) and then referred to the CEO for approval of the decision including reasons for the favourable or not favourable decision.

Ella Bache College will only grant deferment or suspension of their studies for compassionate or compelling circumstances. If a deferment or suspension is granted, students must be notified in writing that they need to contact DHA for information of how the change may or may not affect their visa.

All outcomes of an application for deferment or suspension must be advised to students in writing and documentation and notes kept on the student file.

Ella Bache College can suspend or cancel a student's enrolment provided that the suspension or cancellation is consistent with Ella Bache College policies and/or Australian Law. Before suspending or cancelling a student's enrolment Ella Bache College must notify the student of its intention to take such action and allow the student 20 working days to access the complaints and appeals process. (see: *Complaints, Grievances and Appeals Policy*).

If the complaints and appeals policy is accessed, Ella Bache College should not notify The Department of Education and Training (DET) of a change to the enrolment status **until the internal complaints and appeals process is completed** unless there are extenuating circumstances relating to the student.

Ella Bache College must notify DET/DHA through PRISMS when permanently cancelling a student's enrolment.

'Extenuating circumstances' relating to the welfare of the student may include, but are not limited to the following. The student:

- is missing;
- has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
- has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- is at risk of committing a criminal offence.

Ella Bache College is not obligated to continue providing learning opportunities throughout the 20 working days or any subsequent period of appeal, however Ella Bache College will provide students with work to complete outside

of the classroom until the appeal process is complete via electronic means. In this instance, students must continue to meet the academic requirements of the course.

Should a student not return after a period of suspension, Ella Bache College staff will notify The Department of Education and Training (DET) through PRISMS of 'student notified cessation of studies'. The 'termination reason' will be 'Student notified cessation of studies'. A comment should be entered that the 'Student did not return' or 'Student did not re-enrol'.

In this instance Ella Bache College is not required to send a Notice of Intention to report letter and observe any appeals requirements, OR to notify the student of the intention to cancel their studies.

Students must be advised of their right to access the complaints and appeals process (regardless of the reason for cancellation).

Students who have their enrolment suspended are subject to the rules of the refund policy regarding any refund of fees.

Once Ella Bache College notifies DHA via PRISMS of a student's cessation of studies, the student must leave Australia, obtain enrolment in an alternative course or apply for a different visa within 28 days of cessation. If a student chooses to leave Australia, the student's visa will be subject to cancellation.

Ella Bache College will not authorise and report a deferment or suspension retrospectively unless there are unusual circumstances where it may be required. In this instance Ella Bache College would seek advice firstly from the Regulator.

Ella Bache College will record any 'period of exclusion' from class as absence (where the enrolment is not officially suspended on PRISMS) and include this absence in attendance monitoring calculations (potentially putting a student with marginal attendance in danger of being reported for unsatisfactory attendance).

Ella Bache College is not required to wait for the outcome of any external appeals process before notifying DET/DHA of the cancellation of the student's enrolment.

Where Ella Bache College has reason for concern for the welfare of the student or those with whom the student may come into contact, Ella Bache College will cancel the student's enrolment prior to completion of any appeals process.

In this instance Ella Bache College WILL notify DET/DHA through PRISMS that it is cancelling of a student's enrolment for disciplinary reasons and the extenuating circumstances will be entered into PRISMS and documented and kept on the student file. However, students are still able to appeal the decision from their Australian residence or home country.

Ella Bache College will advise students it is a condition of their visa to contact DHA within 28 days to inform DHA of their plans (to find another course, return home or access an external appeals process) and to take all relevant paperwork (for example, new CoE) to DHA.

Where a student's misbehaviour leads to a criminal conviction the current visa and future visa applications may be cancelled or refused on character grounds.

Ella Bache College must also notify DET/DHA through PRISMS that it is deferring or suspending a student's enrolment if the suspension will affect the end date of the CoE. PRISMS will then cancel the original CoE, and the processing officer given the opportunity to create a new CoE with a revised end date. If it is not known when the student will return, the option to not create a new CoE at that point should be taken. Once the student has notified Ella Bache College of their intended date of return a new COE can then be created.

Deferring or suspending that does affect the end date of the CoE:

Ella Bache College notifies DET/DHA through PRISMS that it is **deferring or suspending** a student's enrolment for a period which **will affect the end date of the CoE**.

In such situations, PRISMS will cancel the original CoE, and immediately offer the opportunity to create a new CoE with a more appropriate end date. If it is not known when the student will return, the option to not create a new CoE at that point should be used. Once the student has notified Ella Bache College of their intended date of return a new COE can then be created.

Deferring or suspending that does not affect the end date of the CoE:

Ella Bache College notifies The Department of Education and Training (DET) through PRISMS that it is **deferring or suspending** a student's enrolment for a period **without affecting the end date of the CoE**.

In this case there is no change to the CoE or the student's enrolment status on PRISMS i.e. the student's CoE status will still be

NOTE:

Prior to the expected commencement date of a course, if a student has a student visa, the status on PRISMS will be 'Visa Granted'.

On the expected course commencement date, the student's status on PRISMS automatically changes to 'Studying', and will remain as 'Studying' unless the provider notifies through PRISMS that this is incorrect.

Where a student cannot start on the expected commencement date for compassionate or compelling reasons and Ella Bache College has agreed to the student's request for a later starting day; and the end date of the course **will not be** affected; Ella Bache College will not defer the commencement of enrolment.

Cancelling COE

Ella Bache College notifies The Department of Education and Training (DET) through PRISMS that it wishes to **permanently cancel (terminate)** the student's enrolment. Once this process is complete, the student's CoE status will be listed as 'cancelled'.

Student does not return after suspension or holiday/break

Should a student not return after a period of suspension, Ella Bache College staff will notify The Department of Education and Training (DET) through PRISMS that 'student notified cessation of studies'. The 'termination reason' will be 'Student notified cessation of studies'. A comment should be entered that the 'Student did not return' or 'Student did not re-enrol'.

Should a student not return to Ella Bache College after a break/holiday, Ella Bache College will notify The Department of Education and Training (DET) via PRISMS of 'student notified cessation of studies' through the course variation screen with 'termination prior to completing course' as the reason.

An additional comment should be added into PRISMS advising student did not return or re-enrol into the course. In this instance, Ella Bache College IS NOT required to send a Notice of Intention to report or wait any appeals process before cancelling the student's visa. By not re-enrolling the student has 'inactively' advised Ella Bache College that they do not intend to continue their study.

Ella Bache College will not authorise and report a deferment or suspension retrospectively unless there are unusual circumstances where it may be required.

Students excluded from class for misbehaviour.

Ella Bache College will record the period of exclusion from class as absence, and include this absence in attendance monitoring calculations (potentially putting a student with marginal attendance in danger of being reported for unsatisfactory attendance). Also refer to Ella Bache College International Student Monitoring Course Progress and Attendance Policy And Procedure.

This policy must be adhered to at all times.

Refer: <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>

https://www.legislation.gov.au/Details/F2017L01182/Html/Text#_Toc487026943

Forms/Letters /Templates For Policy/Procedure

- *International Student Application for deferment, suspension, leave or cancellation of studies form*
- *Notice of intention to suspend enrolment*
- *Notice of intention to cancel enrolment*
- *Student Code Conduct*
- *Complaints, Grievances and Appeals Policy and Procedure*
- *International Student Monitoring Course Progress and Attendance Policy And Procedure*
- *Refunds – International Students Policy and Procedure*

All forms are published on the Ella Bache College website or students may also request a copy from the reception www.ellabache.com.au/pages/college-resources