

## P07 TRANSFER BETWEEN PROVIDERS POLICY

### Purpose

The purpose of this procedure is to address standard 7 of the revised National Code 2018 transfer between registered providers

### Responsibility

The CEO is responsible for the implementation of this procedure and to ensure that staff and students are aware of its application and that staff implement its requirements.

### Requirements

1. must not actively recruit students where the recruitment would conflict with the requirements of this procedure and/or Standard 7 of the National Code
2. No fee can be charged to the student by the Queensberry College of Vocational Education(QCVE) for issuing a release
3. is restricted from enrolling transferring students in the first six months of their principal course of study except in accordance with Standard 7 of the National Code 2018 or the restriction applies to any prerequisite courses in a package of courses, as well as the first six months of the principal course.
4. After the first six months of the principal course no restrictions apply.
5. If grant of release is refused by or Administration Department does not respond during the timeframe mentioned in the policy below, the student may appeal the provider's decision.
6. QCVE no longer issues a letter of release. The release grant/refusal is communicated to the student via email.

### Procedure

#### Release of Transfer - Transfer out from

1. For an overseas student to transfer before completing six months of their principal course, the overseas student must either obtain a release from their registered provider, or meet one of the following conditions:
  - the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
  - the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their course with that registered provider;
  - any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.
2. When a student wants to transfer before completing six months of his or her principal course, the students must apply for written request of release with Administration Staff by filling the Release Request Form. Request for release must be accompanied by a valid letter of offer from an RTO for the application of release to be considered.
3. Applications for release will be considered by the RTO Manager and responded to within 14 working days of being received by the college.

**A release will be granted / not granted in accordance with the procedure below.**

A release will normally **be granted**, within 14 working days of the application, in the following situations:

- The college is unable to continue to provide the course; or
- a student can provide evidence that he or she was misled by the provider or an education or migration agent regarding the provider or its course, which constitutes a breach of the ESOS Act, or
- The student can demonstrate they are experiencing threat to physical or mental health or safety by remaining at the college and can demonstrate clearly how this will be alleviated through a transfer; or
- The current course of study is clearly not consistent with documented course requested for on their application.
- 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) or
- Factors that may be considered to the student's detriment, or
- A student who fails to achieve satisfactory course progress at the level they are studying, even after engaging with 's intervention strategy to assist overseas students. It is important to note the report on the overseas student's course progress should occur even if the transfer request is granted.
- still has discretion to refuse transfer requests from overseas students who are not genuinely engaging with an intervention strategy with the intention of failing and being released.
- QCVE has a documented evidence that the transfer will be in student's best interest. Best interest cannot be a general statement issued by the student. QCVE must ensure the reasons are adequately supported. Examples of best interest
  - A student who fails to achieve satisfactory course progress at the level they are studying, even after engaging with QCVE's intervention strategy to assist overseas students. It is important to note the report on the overseas student's course progress should occur even if the transfer request is granted.
- Registered providers still have discretion to refuse transfer requests from overseas students who are not genuinely engaging with an intervention strategy with the intention of failing and being released.

**Release should be granted** is where there is evidence of 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: involvement in, or witnessing of a serious accident; or 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;
- inability to begin studying on the course commencement date due to delay in receiving a student visa.
- an appeal (internal or external) on a matter that may reasonably result in the student wishing to seek a transfer supports the student.
- If a transfer will affect the start dates of any subsequent courses covered by the visa, the overseas student must be released from those courses, or gain the subsequent registered providers' agreement to delay the start of those courses. will advise overseas students that changes to their preliminary courses may have ramifications for their admission to their principal course, for example if a preliminary course is a prerequisite entry requirement to the principle course.

Once the decision to release the student is granted, it is noted on PRISMS and student is advised to contact Department of Home Affairs to seek advice on whether a new student visa is required.

A request for release will normally **not be granted** in the following situations:

- The requirements of the written agreement have not been met by the student; or
- The student does not satisfy any of the situations which normally lead to a release being granted; or
- The proposed transfer will jeopardise the student's progression through a package of courses; or
- The student has unsatisfactory academic progress and has not genuinely accessed QCVE's Intervention Strategy; or
- The student has not paid the tuition fee owed to the college and has been reported or is about to be reported to Department of Home Affairs for non-payment of fee.
- The student cannot provide a letter of offer from another registered provider confirming that a valid enrolment offer has been made.

### **Once a transfer request decision has been made**

QCVE must inform the student of the decision outcome via email within 14 working days of receipt of the release request. QCVE no longer provides hardcopy of the release letter.

The following email template must be used:

Grant of Release request – release grant email template

Refusal of Release request – Step 1 : intention to refuse the release email template

Step 2: refusal to release email template

The above email templates also encourage the overseas student to consider whether a change in enrolment breaches a visa condition. The student can refer to the Department of Home Affairs' website at:

<https://www.homeaffairs.gov.au/Trav/Stud/More/Changing-courses>

If a release is refused, reasons for the refusal will be documented in writing and the student will be informed of their rights of appeal using the college complaints and appeals procedure. (Use Intention to refuse release email template)

QCVE will not finalise the overseas student's refusal status in PRISMS until:

- any appeal against the refusal lodged by the overseas student is finalised and upholds the
- registered provider's decision not to release the student; or
- the overseas student did not access the registered provider's complaints and appeals
- processes within 20 working days of being notified of the refusal; or
- the overseas student withdraws their appeal against the refusal.

Final Transfer request decisions (granted / not granted must be recorded in PRISMS (A 'How To' guide for recording transfer Requests in PRISMS is available at <https://prisms.education.gov.au/Information/ShowContent.ashx?Doc=How To Manage Student Transfers in PRISMS.pdf>).

### **Record Keeping**

A copy of the student's release application; notes recording the assessment of the application and a copy of the response email sent to the student by the college must be placed in the student's file.

All registered providers must maintain records of overseas student transfer requests for two years after the student ceases to be an accepted student.

### **Enrolling a transferring student (Transfer In)**

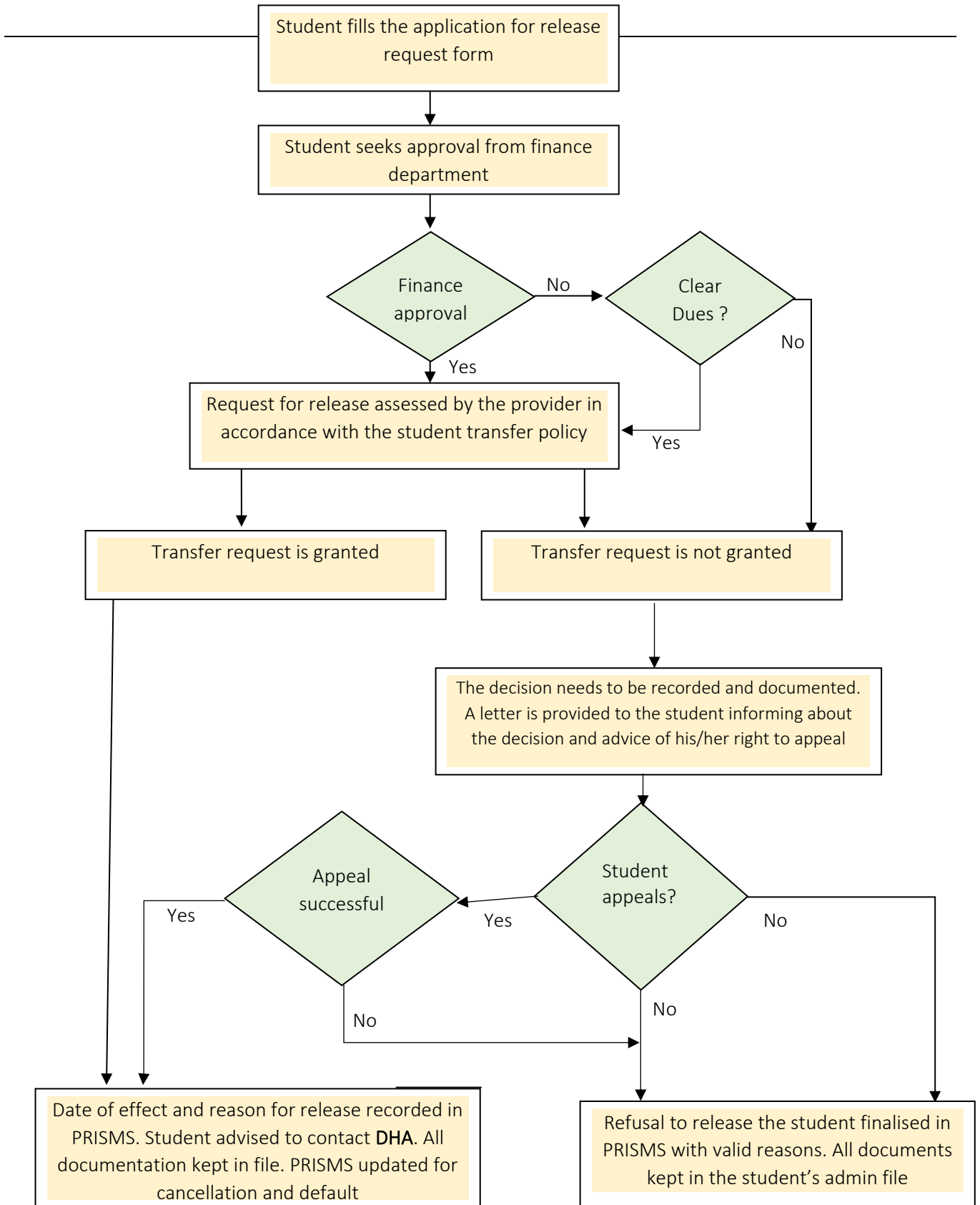
- Where attempts to approve a CoE for a student within their restriction period, and the new enrolment 'clashes' with one or more 'transfer restricted' enrolments, the provider will be warned that the required releases have not been obtained and dates of the clashes will be shown.
- In this scenario, the student will be required to request releases from their visa pathway providers as necessary to allow their next enrolment to be approved.
- If the student informs that the student is not seeking to discontinue studies from previous provider and will undertake concurrent study at both the education providers, a statutory declaration must be sought from the student. Also response on PRISMS must be noted accordingly.
- QCVE will not knowingly enrol such student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course.

The student shall only be enrolled with in the following situations

- The releasing provider has ceased to be registered.
- The releasing provider has had a sanction imposed on its registration that prevents the student from continuing their studies.
- The releasing registered provider has agreed to release the student 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 written support for the change

In the event that knowingly enrolls a 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 documentary evidence of at least one of the four conditions listed above must be obtained and placed in the transferring student's file for 2 years.

### Procedure for release request (Transfer Out)



### Procedure for release request (Transfer In)

