

## **P07- Student transfer [National code 2018, Standard 7]**

### **1. Purpose**

- 1.1. The purpose of this procedure is to address Standard 7 of the revised National code 2018 regarding the student transferring between registered providers.

### **2. Responsibility**

- 2.1. The Student Support Manager is responsible for the implementation of this procedure and to ensure that staff and students are aware of its requirements and application.
- 2.2. Student Support, Compliance, Marketing and Admissions staff must read and understand this policy.
- 2.3. This policy is made available to staff and students on ATMC's website and staff portal.

### **3. Definitions**

- 3.1. To the detriment of a student is where the transfer of the course may genuinely disadvantage the student.
- 3.2. The principal course of study is the highest qualification (normally the last course) covered by the student's visa, Standard 7 also applies to all courses of study prior to the student's principal course.

### **4. Requirements /Process**

#### **General Requirements**

- 4.1. ATMC must not actively recruit and knowingly enrol a transferring student before the student has completed six months of his or her principal course of study except for the circumstances outlined as follows:
  - a. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
  - b. the original registered provider has provided a written letter of release
  - c. 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
  - d. 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.
- 4.2. The restriction applies to any prerequisite courses in a package of courses, as well as the first six months of the principal course.
- 4.3. A student can transfer without restriction after he/she has completed six months of the principal course (six months is calculated from when the student starts his/ her principal course).
- 4.4. No fee can be charged to the student by ATMC for issuing a letter of release.
- 4.5. An essential condition for an application to be considered for transferring is that the student can provide a valid enrolment offer from the new provider
- 4.6. Requests to transfer will be refused when the reason for transfer is consistent with 4.15 in this policy; the reasons for the refusal decision, the considered factors, and reflection of the student's individual circumstances will be provided to the student in writing.
- 4.7. If ATMC refuses to release a student or does not respond during the time frame set out in the policy, the student can appeal through the complaints and appeal process (see Policy P08 Complaints and Appeals).
- 4.8. Students must maintain their enrolment at all times during this application process.

### Letter of Release (Transfer OUT)

4.9. Students must apply for a letter of release on the form SS118 (available at ATMC's head office and ATMC's website). Upon receiving the complete application form, ATMC will issue a receipt of acknowledgement to students.

4.10. Applications for a letter of release will be considered by the Compliance Department and an outcome will be determined. A determination will be made based on ATMC's consideration of the student's best interests and the receiving course or provider, whether this could be reasonable to refuse a transfer. Where such judgements are made, ATMC will ensure the reasons are adequately supported by evidence and conveyed to the student. The student will receive a written response with the outcome and outlining the reasons within 10 working days of a complete application being received by ATMC.

4.11. The student's request for a letter of release is considered only where a letter from another registered provider is provided to confirm that a valid enrolment offer has been made.

4.12. The provisions surrounding students under 18 which are also considered under the standard do not relate to this policy, as ATMC does not enrol international students who are under 18 on student visa.

4.13. A letter of release will normally be granted in the following situations shown in the text box:

- ATMC is unable to continue to provide the course; or
- The student can demonstrate they are experiencing threat to physical or mental health or safety by remaining at ATMC and can demonstrate clearly how this will be alleviated through a transfer; or
- The course the student wishes to transfer to can be proven to better meet the study capabilities or the long term goals of the student; or
- The student wishes to change course in order to get access to greater support (through services offered by another provider, commercial or non-commercial services or through access to family, friends or a cultural support network); or
- The student can demonstrate or prove they are experiencing personal difficulty or educational problems that cannot be addressed by ATMC's resources; or
- The current course of study is clearly not consistent with documented course requested for on their application; or
- The student can provide evidence that he/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
- In exceptional compassionate circumstances beyond the students control, such as serious illness or death of a close family member, which have led to a permanent change in the student's circumstances that makes continued enrolment inappropriate.
- If the student claim or can provide evidence that his or her reasonable expectations about the current course are not being met.

4.14. Should a request form the basis of one of the above situations, the student will be required to produce supporting documental evidence to substantiate the claim.

4.15. A letter of release will normally not be granted in the following situations shown in the text box:

- The student did not submit enough documental evidence to support reasons or claims in the application for letter of release; or
- The student does not satisfy any of the situations which normally lead to a letter of release being granted; or
- The proposed transfer may jeopardise to the student's progression through a package of courses/ future study plans; or
- 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; or
- The student has unsatisfactory academic progress and is in the intervention process; or
- The student has unsatisfactory behaviour (i.e. Non-payment of tuition fees) and has been or is about to have their enrolment suspended or cancelled and be reported to Department of Home Affairs); or
- The student cannot/ has not provided a letter from another registered provider confirming that a valid enrolment offer has been made

- 4.16. A letter of release, if granted, must be issued at no cost. The student will be advised of the need to contact Department of Home Affairs to seek advice on whether a new student visa is required.
- 4.17. If a letter of release is refused, reasons for the refusal will be documented in writing, and the student will be informed of their rights to access ATMC complaints and appeals procedure (See Policy P08 – Student Complaints and Appeals).
- 4.18. If and when a student lodges an internal appeal against ATMC’s decision to refuse the letter of release, the student will be notified that the appeal is an opportunity to provide further supporting documental evidence to substantiate the claim. ATMC when not willing to grant a letter of release at the time of application may negotiate with the student to revisit the request in a specified time frame, to determine if the student still wants to transfer after accessing the support services available or improvement measures being put in place.
- 4.19. If the student is not satisfied with the outcome of the internal appeals, ATMC must advise the student the right to access the external appeals process at no cost. If the student wish to lodge an external appeal or complaint, he/she can contact the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.
- 4.20. If the appeal (internal or external) on the matter that may reasonably result in the student wishing to seek a transfer supports the student, a letter of release may be granted.
- 4.21. If a student transfers to another provider, any refunds of course fees paid to ATMC will be in accordance with ATMC’s refund policy (see Policy P26 Fees and Refunds).
- 4.22. A copy of the student’s letter of release application, notes recording the assessment and the result of the application, and a copy of the response letter sent to the student by ATMC must be placed in the student’s file, and recorded in transfer in/transfer out registers.

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

- 4.23. ATMC will not actively recruit and knowingly enrol 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 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.
- 4.24. ATMC will issue the letter of offer to facilitate the transfer but cannot formally enrol the student unless a letter of release from the student’s original provider has been provided.
- 4.25. All existing Credit Transfers and RPLs recognised by the pervious registered RTO will be recognised by ATMC if the original evidence is provided (See Policy P12 – National Recognition, Credit Transfer and Recognition of Prior Learning).
- 4.26. ATMC will not seek to enrol a student who has not yet completed six months of their principal course of study with another RTO, unless at least one of the exceptions specified in 4.23 is met. PRISMS will assist ATMC to identify if a student has not completed six months of the principle course. When creating a CoE to a transferring student, ATMC will follow the prompts on PRISMS, which will also inform whether the student is enrolled elsewhere.
- 4.27. In the event that ATMC 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 exceptions specified in 4.23 must be obtained and placed in the transferring student's file.

- 4.28. Transferring student must provide a written letter of release from original registered provider, except when:
- At least one of the exceptions specified in 4.23 is satisfied.
  - The student's CoE was conditional on meeting certain requirements and that the student has not been able to meet those requirements. As the result, the student is left without a provider. In this situation, where the student is able to provide documentary evidence of their predicament (these documents will be accepted as "approximates" to a letter of release), transfer will be permitted.
  - The student no longer has a student visa and therefore no principal course.

4.29 Where a student's enrolment may have been cancelled under Standard 9 of the National Code ("Deferring, suspending or cancelling the overseas student's enrolment"), there is no need for the provider to also issue a release letter - in this situation the cancellation would be sufficient.

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**End**

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