

P13 - Deferral, suspension or withdrawal/cancellation of enrolment

1.0 Purpose

1.1 This policy and procedure is in place for the application, assessment, approval and records management of a deferral, suspension and cancellation of a student's enrolment. The purpose of the procedure is to ensure that students are informed of the grounds on which their enrolment may be deferred, suspended or cancelled. The ESOS Act and National Code are very specific about when a deferral or suspension can be approved and this policy reflects the requirements of Standard 9 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018. The policy and procedure is also compliant with the requirements of the Skills First Program – VET Funding Contract 2018 and other relevant legislation (including the National Vocational Education and Training Regulator Act 2011 and Standards for Registered Training Organisations 2015). Therefore, the policy and procedure applies to both international and domestic students.

2.0 Responsibility

- 2.1 The Director of Skills is responsible for the implementation of this policy and procedure.
- 2.2 The decision to defer commencement of studies, suspend studies or cancel enrolment will be approved by the Student Support Department. In confirming this decision, the Student Support Department may consult with other relevant departments within ATMC. The Student Support Department will delegate the responsibilities pertinent to international students such as notifications on PRISMS to the Admissions Department.
- 2.3 The Student Support Department is responsible for reporting deferment, suspension or withdrawal/cancellation of enrolments of students under the Skills First Program to SVTS.

3.0 Definitions

- 3.1 Deferral is when a prospective student delays the commencement date of his/her study at ATMC. Deferral cannot be applied for or approved once studies have commenced.
- 3.2 Suspension is when a student, who has already started yet has not completed his /her study, requires a leave of absence. If approved, their training plan is suspended with the clear intention that the student will recommence at an agreed date in the future (i.e. temporary suspension).
- 3.3 For domestic students, suspension is also known as "leave of absence".
- 3.4 Cancellation is when a student is removed from the current course enrolment at ATMC before he/she has formally completed the planned training. This student will not be eligible for any subsequent courses for which they may also be registered. A cancellation can be initiated by the student or ATMC.

4.0 Requirements/Process

For International Students:

- 4.1 Students wishing to defer commencement, suspend their studies or cancel their enrolment must apply to do so in writing to ATMC. To defer or suspend their studies, students must complete AD106 Deferral or Suspension Form. To cancel their studies, students must complete SS115.a Cancellation Application Form. These forms can be obtained from ATMC head office or downloaded from ATMC's website. Students are subject to a deferral fee of \$200 for all subsequent deferrals granted.
- 4.2 Applications must be submitted at least two weeks prior to the requested deferment/suspension date to enable sufficient time for the assessment process. **Please note:** Applications will not be accepted any earlier than two weeks prior to any deferral or suspension of a course. If an application is submitted less than one week prior to the requested deferment/suspension date, the processing and response may not be available at the requested time. If the student chooses to depart, he/she is at risk of not obtaining approval from ATMC.
- 4.3 The reporting to PRISMS and the renewal of the eCoE (electronic confirmation of enrolment) (if applicable) will be issued within five working days after the suspension or deferment date.
- 4.4 It is the student's responsibility to collect the revised eCoE from ATMC for any deferral/suspension approved and processed. ATMC will advise the Department of Home Affairs of the revised end date of the course via PRISMS. The student may use the eCoE to inform the Department of Home Affairs of the revised end date of the course should he/she require an extension to their student visa.

For Domestic Students:

- 4.5 Students wishing to defer commencement, suspend their studies or cancel their enrolment must apply to do so in writing to ATMC. To defer or suspend their studies, students must complete SS117 Student Leave Application Form. To cancel their studies, students must complete SS115.b Cancellation Application Form. For students receiving government funding, the withdrawal will be reflected via the SVTS system.

For All Students:

- 4.6 Completed forms must be submitted, with supporting documents, in person to Reception at Head Office Level 13, 276 Flinders Street, Melbourne VIC 3000 or by email to info@atmc.edu.au.
- 4.7 If the student is granted a deferral, suspension or cancellation, they will be informed in writing and the request will be processed.
- If the request is denied, the student will be informed in writing and provided with details of ATMC's Complaints and Appeals Procedure within five working days. Before making a decision, ATMC will review the application and, if appropriate, the current student history and financial status. Requests for suspension will be denied for students who are subject to an intervention strategy, in the process of being cancelled for course progress, in arrears with the payments due (either as a result of payment due under the student written agreement or as a result of payment due under an agreed payment schedule agreement) or in breach of the Student Code of Behavior.

In breach of the Code of Behaviour/Student Written Agreement

- 4.8 If a student misbehaves or breaches the Student Code of Behavior (including non-payment of fees) and this is considered to be a serious breach or there are extenuating circumstances, then ATMC may, at its discretion, immediately suspend the student (see below). The reasons for the suspension and a written notice of suspension must be clearly stated and sent to the student within one working day of the decision. A full description of the events that occurred before the suspension should be listed and the student must be provided with information on ATMC's complaints and appeals process.

Retrospective suspension or deferment

- 4.9 Students are expected to apply for deferral or suspension at least 10 working days prior to the leave commencement date.
- 4.10 If students have taken unauthorised leave then they will be recorded as absent. It is a breach of the Student Code of Behaviour for students to not attend scheduled classes without approval, other than for medical reasons.
- 4.11 Retrospective deferment or suspension may only be considered in the most exceptional cases. This may be due to medical emergencies and evidence may be required to support the application. The decision for granting approval is solely at the discretion of ATMC.
- 4.12 For domestic students, retrospective leave must be reported to the Student Support Department using SS121 Notification of Non-Attendance Form.

Suspension or Cancellation - initiated by ATMC

- 4.13 ATMC may decide to suspend or cancel a student's enrolment on its own initiative in response to the student's absence for 14 consecutive days. This is considered to be a breach of the Student Code of Behaviour.
- 4.14 ATMC will issue a warning letter to the student, informing the student of its intention to cancel the student's enrolment and that he or she has 20 working days plus two days for postal handling to access ATMC's Complaints and Appeal process. If the student appeals, the suspension or cancellation of the student's enrolment will not take effect until both the internal and external process have been completed.
- 4.15 Students who have not completed their course, must return to their studies after study breaks or suspension periods. If students fail to return or re-enrol, they have 'inactively' advised ATMC of not intending to continue studies. For international students, ATMC may immediately notify the Department of Home Affairs through PRISMS and terminate the student's enrolment. This report will set the status of the eCoE to 'Cancelled'. ATMC will not send a Notice of Intention to cancel letter nor will there be a chance for students to access the complaints and appeals process.

Acceptable reasons for deferral or suspension – requested by student

ATMC may decide to accept an application from a student for deferral of commencement or suspension of study on the following grounds:

- On medical grounds (with supporting documents). Further documented evidence may be requested at the discretion of ATMC.
- In exceptional compassionate circumstances beyond the student's control and which affect the student's course progress or well-being, such as serious illness, death of a close family member, major political upheaval or natural disaster, a traumatic experience or another exceptional event. Independent evidence of the exceptional circumstances is required for the application to be assessed.

Criteria for assessing an exceptional event would include:

- Nature of the event e.g. that it is exceptional event.
- Beyond the student's control.
- Likelihood to affect the well-being of the student e.g. there are compassionate circumstances - if deferral or suspension is not granted it will upset the student and impact on their ability to study successfully.
- Impact on course progress e.g. what impact would the length of time away have on course progress and how does the student intend to ensure completion within duration.

In exceptional circumstances ATMC may be unable to deliver a unit or units as a result of factors beyond its control. Where this situation exists (or one or more of the units that cannot be delivered is a prerequisite unit) students can have their study load adjusted and a deferral may be applied for. This basis for deferral is only available if the student can schedule units of competency so that they can complete their studies within the approved duration.

Cancellation

For all students:

- 4.16 If a student requests cancellation of their enrolment, the refund arrangements in the Written Agreement between ATMC and the student will be triggered. In the absence of any such terms (in previous student agreements) the rules pertaining at the time of the application will apply. See website for current refund terms and conditions.
- 4.17 Students who cancel their enrolment and believe they are due for refunds are advised to apply for refunds in accordance with ATMC's Refund Policy. Refund applications must be made in writing on form FN108 Refund Application, which is available on ATMC's website. Written applications for refunds will be accepted by mail or email to info@atmc.edu.au. Refunds will be processed within 20 working days of receipt of a written application and will include a statement explaining how the refund was calculated.
- 4.18 When a student's enrolment is cancelled then the current agreement is terminated. Any application to re-join ATMC is deemed to be a new application and the International or Domestic Application Policy at the time of application will be applied.

For international students:

- 4.19 Application for cancellation of enrolment will not be processed if the student is wishing to transfer to another training provider. The Student Transfer Procedure is governed by Policy P07 Student Transfer. The transfer procedure has to be completed before the cancellation process can be considered to be finalised.
- 4.20 A cancellation of enrolment is usually permitted in the following situations:
- Student visa refusal
 - Student has breached his/her visa conditions
 - Student has no study rights in Australia
 - Student's visa status has changed
 - Student is returning to home country

- Student has completed six months of the principal course (highest course enrolment on the student's initial visa)
- 4.21 When applying for a course cancellation, the student must attach documented evidence that supports his/her reason for cancelling. Documented evidence can include, but is not limited to, an e-ticket and a custom stamp if the student is returning to their home country or formal documentation proving that the student's visa circumstances have changed.
- 4.22 If the student cannot substantiate his/her claim using sufficient evidence, the assessing officer may contact the student, at their discretion, to request further evidence within 10 working days from the receipt of the application. The student typically will be requested to respond within five working days from the date of the request or from the date when the student arrives in his/her home country, whichever is first. If the student still cannot substantiate the claim with sufficient evidence, ATMC may refuse the request for cancellation. Should a refund application be submitted at the same time as an application for cancellation (that has been denied), then the refund application will automatically become invalid as the cancellation did not take effect.
- 4.23 For students who are unable to provide sufficient evidence to support their request for cancellation, they are required to commence their course as per the agreed start date. Should a student fail to commence his/her course, the student will be at risk of having their enrolment cancelled due to the non-commencement of studies, which may affect their entitlement to a refund. For more information, please refer to P26 Fees Refund Policy.

Other reasons for non-approval (relates to student progress)

- 4.24 If a student does not show satisfactory course progress, if an intervention strategy is in place or if a student is subject to other processes currently underway such as non-payment of tuition fees or breaching Student Code of Behaviour, then their application for suspension will be denied.
- 4.25 ATMC at its discretion may still consider applications where there are exceptional circumstances.

Communication

For all students:

- 4.26 The decision, whether in the favour of the student or not, must be communicated in writing. This will be via email with a follow up letter to the student's nominated address. The email and letter will be recorded in the student's file.
- 4.27 Students will be issued with a designated email assigned by ATMC. Example 12345@atmc.edu.au.
- 4.28 For successful applications for deferment or suspension, the letter must contain the following:
 - i) An agreed date for the student to cease study and join/re-join ATMC.
 - ii) Advice to the student that deferring or cancelling study may affect his or her visa.
 - iii) Advice to successful applications for cancellation that the request has been approved and the agreement will be formally terminated together with a date of when it comes into effect.
- 4.29 For unsuccessful applications for deferment, suspension or cancellation, the letter must contain:
 - i) The reasons for denial of request for valid and invalid applications.
 - ii) For all valid applications, the reasons for the decision together with details of their right to appeal and how to access the appeal process under Policy P08 Complaints and Appeals. For invalid applications, the student is subject to the process currently underway, for example an intervention strategy.
- 4.30 All documentary evidence relating to a deferment, suspension or cancellation must be placed in the student's file.

For international students:

- 4.31 ATMC must inform an international student in all communications that it has to report the student's deferral, suspension or cancellation to the Department of Education and Department of Home Affairs via PRISMS and that the action may affect the status of his/her student visa.
- 4.32 Where ATMC approves an application to defer commencement, suspend studies or cancel an enrolment, or makes a decision to defer commencement, suspend studies or cancel an enrolment, the Admission Department is responsible for updating PRISMS and issuing the appropriate letter to students.

4.33 ATMC must ensure that all international students are informed that:

- i) The suspension or cancellation of his or her enrolment may affect their student visa and
- ii) ATMC will notify the Department of Education via PRISMS as required under Section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.

For domestic students:

4.34 ATMC must inform domestic students that the cancellation of enrolment could affect his/her future training options and eligibility for further government subsidised training under the Skills First Program – VET Funding Contract 2018.

Complaints and Appeals

- 4.35 If the applicant chooses to initiate the complaints and appeals process (20 working days from the date of issue plus two day's postage and handling) then the decision will be held over until such time as the appeal is heard. Students who are already enrolled will thus continue to be enrolled and their course progress will continue to be monitored.
- 4.36 For international students, if the appeal is not upheld or the student withdraws from the appeal process, ATMC must report the student to the Department of Education and Department of Home Affairs via PRISMS. The suspension or cancellation of the student's enrolment cannot take effect until the appeal process is completed unless there are extenuating circumstances relating to the student's welfare.
- 4.37 For student under the Skills First Program, if the appeal is not upheld or the student withdraws from the appeal process, ATMC must report the student to the Department of Education via SVTS.

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