



# Deferral, Suspension and Cancellation Policy

## 1 PURPOSE

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To provide a documented process for assessing, approving and recording a deferment of the commencement of study or the suspension of study for the overseas student, including keeping documentary evidence on the student's file of the assessment of the application.<sup>(9.1)</sup>

## 2 SCOPE

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This policy applies to OPIE and all overseas students and enrolling overseas students.

OPIE may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances, as defined below.

## 3 DEFINITIONS

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**Deferral:** means to delay the commencement of a course.

**Suspension:** means to temporarily delay the enrolment once the course has commenced.

**Cancellation:** means the cessation of an enrolment on a course.

**Withdrawal:** Means a student that wishes to withdraw from a commenced course

**Compassionate or Compelling circumstances:** is defined as circumstances beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- a) Serious illness or injury, where a medical certificate states that the student was unable to attend classes,
- b) Bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided),
- c) Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies,
- d) 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 these experiences have impacted on the student (cases should be supported by police or psychologist's reports)
- e) Inability to begin studying on the course commencement date due to delay in receiving a Student Visa.

**Student Misconduct:** also misbehaviour, is defined as students who display unacceptable behaviour in accordance with the Student Handbook and Code of Conduct



To ensure all students receive equal opportunity to gain the maximum benefit from their training, any person(s) displaying the following dysfunctional or disruptive behaviour may be asked to leave the session and/or the course. Examples of unacceptable behaviour include but are not limited to the following:

- Continuous interruptions of the trainer.
- Smoking in non-smoking areas.
- Being disrespectful to other participants.
- Harassment by using offensive language.
- Sexual harassment.
- Acting in an unsafe manner that places themselves and others at risk.
- Refusing to participate when required, in group activities.
- Continued absence or late arrival at required times.

## 4 POLICY STATEMENT

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### 4.1 ACCEPTABLE REASONS FOR SUSPENSION OR CANCELLATION

4.1.1 In accordance with the National Code 2018, OPIE can defer or temporarily suspend a student's enrolment on the grounds of:<sup>(9.2)</sup>

4.1.2 Compassionate or compelling circumstances,

4.1.3 In addition, OPIE can suspend or cancel a student's enrolment including, but not limited to, the following factors:

- Student misconduct <sup>(9.3.1)</sup>
- Failure to comply with the Offer of Terms as outlined in the Letter of Offer and Acceptance (Written Agreement) for Course Progress or attendance, and any formal warning issued by OPIE against these processes, which are in accordance with Standard 8 (Overseas student visa requirements)<sup>(9.3.3)</sup>
- The non-payment of fees in accordance with the Offer of Terms as outlined in the Letter of Offer and Acceptance (Written Agreement) and Payment Schedule <sup>(9.3.2)</sup>
- The suspension or cancellation of the overseas student's enrolment for these reasons may not take effect until the internal appeals process is completed, unless the health or wellbeing of the overseas student or the wellbeing of others, is likely to be at risk<sup>(9.6)</sup>

### 4.2 DEFERRAL

Applications for deferral of the commencement of the course must be made by completing a Deferment Suspension Cancellation Withdrawal Form (DSCW) with any additional evidence and submitting it to OPIE Admissions Staff prior to the course commencing.

- a) The DSCW Form can be submitted via Email, Mail or in Person.
- b) Email address:



Once OPIE has processed the deferral request, the student will receive a written correspondence of the outcome.

- a) An updated Confirmation of Enrolment letter and Enrolment Agreement will be provided to reflect the new training plan.
- b) OPIE will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

### 4.3 SUSPENSION

Applications for Suspension of enrolment must be made by completing a DSCW Form with any additional evidence and submitting it to OPIE Student Support Officer.

- a) Applications must be received at least 10 working days prior to the requested Suspension date.
- b) Applications received less than 10 working days prior to the requested Suspension date will not be processed.
- c) In the event of an emergency situation requiring Suspension, the submission timeline of 10 working days may be waived by the OPIE.

Once OPIE has processed the Suspension request, the student will receive a written correspondence of the outcome.

- a) OPIE will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

### 4.4 CANCELLATION

Applications for cancellation of enrolment must be made by completing a DSCW Form with any additional evidence and submitting it to OPIE Student Support Officer.

- a) The SC Form can be submitted via Email, Mail or in Person
- b) The Student Support Officer will then check all information is attached and send the cancellation request to the Compliance Manager for review against Policy & Procedures.
- c) The Compliance Manager will then pass the cancellation request to Admissions Manager for processing.

Once OPIE has processed the Cancellation request, the student will receive a written correspondence of the outcome from Admissions Manager.

- a) If the request is granted, the student will receive a Letter of Release. Once the Cancellation has been processed, OPIE will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.
- b) If the request is denied, then the student may appeal the outcome in accordance with the Complaints and Appeals Policy.



## 4.5 WITHDRAWAL

Applications for Withdrawal from a course must be made by completing a Deferral Suspension Cancellation Withdrawal (DSCW) Form with any additional evidence and submitting it to OPIE Student Support Officer.

- Any withdrawal must be done formally with evidence of why the student is withdrawing
- OPIE has the right to refuse a withdrawal where a student has not completed six (6) months of their primary course
- OPIE has the right to refuse a withdrawal on the grounds that the student has outstanding fees or if the student is in the debt recovery process as 'unresolved'
- Any refund application will be processed in accordance with the refund policy
- Certification of any description will only be processed after all outstanding fees are paid
- Certification will be issued within 30 calendar days of these conditions being met
- All documentation will be recorded in the student file
- In this instance the reasons must be documented and recorded to justify this decision
- Should the student wish to withdraw and return to their home country, the student must advise DHA to cancel their student visa

## 4.6 PRIOR TO SUSPENSION OR CANCELLATION

In any given situation that leads to a deferment, suspension or cancellation of studies, instigated by OPIE, prior to imposing a suspension/cancellation:

- Formal written notification will be provided to the student of the intent and reasons for suspension/cancellation <sup>(9.4.1)</sup>
- Inform the parent(s)/legal custodian(s) of the student if the student is younger than 18 years of age
- The student will be informed of their right to appeal this decision, as well as the timeframe and process for doing so <sup>(9.4.2)</sup>
- The student shall have 20 working days to access OPIE's Internal Complaints and Appeals process in accordance with Standard 10 (Complaints and appeals)

## 4.7 COMPLAINTS AND APPEALS PROCESS

The deferment, temporary suspension or cancellation of studies cannot take effect until the Internal Complaints and Appeals process has been completed, unless extenuating circumstances relating to the welfare of the student apply.

- In the case of students under the age of 18, a copy of the formal notification will be forwarded to the Parent or Legal Guardian and a resolution formulated
- At the completion of the complaints and appeals process, should the deferment, temporary suspension or cancellation of studies be upheld by the complaints and appeals hearing, OPIE will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.



#### 4.8 DEFERRAL, SUSPENSION OR CANCELLATION ADVISING AND REPORTING OBLIGATIONS

In the instance of deferral, suspension or cancellation action going ahead OPIE will inform the overseas student regarding the need to immediately contact Immigration for advice on the potential impact to the student's visa. (9.5.1)

OPIE will report the change to the overseas student's enrolment as per section 19 of the ESOS Act. (9.5.2)

#### 4.9 GUIDELINES AND IMPLICATIONS OF SUSPENSION OR CANCELLATION

Should a student enrolment be temporarily suspended for a period of 28 days or longer, the student must return home, unless special circumstances exist.

Students are to be made aware that:

- Students can only temporarily suspend enrolment for a maximum period of six months,
- Deferral, Suspension or Cancellation of enrolment may affect the student's VISA,
- If the enrolment is suspended for a period greater than six months, the student's visa may be cancelled by DHA

Role within RTO	Area of responsibility
<b>CEO</b>	Approval Authority
Compliance/CEO	Development/Review
<b>Compliance/CEO</b>	Monitoring and Evaluation
<b>Compliance/CEO</b>	Compliance
<b>Administration/Compliance/CEO</b>	Implementation

## 5 RESPONSIBILITIES

All documentation relating to deferment, temporary suspension or cancellation of studies will be held in the student's file and managed by Student Support Officers.

In addition, any discussions with the student and relevant staff members relating to the deferment, temporary suspension or cancellation of studies will be recorded and placed as minutes in the student's file as well as being noted in the Student Management System.

## 6 RELATED LEGISLATION AND REGULATIONS

- \* The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 9
- Standards for Registered Training Organisations (SRTOs) 2015



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- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students Act 2000
- Australian Qualification Framework (AQF) and its Policies

## 7 RELATED POLICIES, PROCEDURES AND DOCUMENTS

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- Formalisation of Enrolment Policy and Procedures
- Complaints and Appeals Policy
- Deferral Suspension Cancellation Withdrawal DSCW Form