



New England College is the trading name of **New England Institute of Technology Pty Ltd**
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DOCUMENT CONTROL

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Review Process:

This policy shall be reviewed annually in compliance with education industry standards including the *VET Student Loans Act 2016* and *VET Student Loan Rules 2016* and other relevant legislation.

Next Review Due: **June 2018**



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PURPOSE

The purpose of this policy is to provide the framework that surrounds student withdrawal or non-completion of units of study in New England College's VET FEE-HELP and VET Student Loan approved courses and conditions required for refund of fees and incidental fees paid upfront and remission of FEE-HELP debt.

SCOPE

The scope of this policy applies to all students, including prospective, current, and existing students applying for or undertaking study or training in VET FEE HELP and VET Student Loan approved courses delivered by New England College.

EXCLUSIONS

This policy does not apply to:

- Students classified as International or Overseas Students or to students who are not Australian citizens or to students who are not studying under a permanent humanitarian visa
- Units/courses that are not VET Student Loan approved
- VET FEE-HELP and VET Student Loan - VET units of study that a student has completed.

OUTCOME

New England College students and staff will have a clear understanding of the policy and procedure relating to refund and remission policy and procedures related to:

- Application for VET Student loan
- Withdrawal by students who have applied for or who have accessed VET Student Loan for units of study in courses approved for VET Student Loan before, on and after the census date for the unit of study
- Non-completion of a VET unit of study for which VET Student Loan has been accessed.

This policy will be made available to staff, students and potential students on the New England College website.

Definitions

VET Student Loan is a student loan scheme for the Vocational Education and Training (VET) sector to assist eligible students undertaking certain VET courses of study (Diploma level or above) with an approved VET provider, to pay for all or part of their tuition costs. It is an extension of the existing higher education loan scheme FEE-HELP. VET Student Loans commenced on 1 January 2017 and replaced the VET FEE-HELP scheme.

FEE-HELP limit: The maximum amount of VET Student Loans, VET FEE-HELP and FEE-HELP, you can use over your lifetime. The FEE-HELP limit is indexed annually on 1 January.

Incidental Fees - Incidental fees are fees other than tuition fees. They are fees for goods or services that:

- Are not essential to the VET course of study, e.g. access to internet and computer facilities not required as part of the course, printing of notes, graduation ceremonies
- Are essential but while there is a charge, they are also readily available at no cost, e.g. in the library



- Are essential but which become the property of the student and are not consumed during the course of study, e.g. protective clothing, tool kits
- Fines or penalties imposed as a disincentive.

Remission - Remission is the removal of a FEE-HELP debt.

Tuition Assurance - Tuition Assurance means that if a New England College campus ceases to provide a VET course of study in which a student is enrolled, the student is entitled to choose to accept either:

- An offer of a place in a similar VET course of study with another New England College campus or a comparable qualification at another provider and receive full credit for any VET unit(s) of study successfully completed with New England College; or
- A refund of up-front VET payments for any VET unit of study that the student was enrolled in at the time the course ceased to be delivered.

Tuition Fee - A VET tuition fee is the fee determined by New England College and payable by a student for tuition services, examination, evaluation and assessment required for completion of a VET unit of study and recognition of prior learning (RPL). It does not include fees for goods or services that are incidental to a student's studies.

Unit of study - A subject or unit that a student may undertake as part of a course of study for which the student may access VET Student Loan to pay for all or part of their tuition fees for that unit.

VET Student Loans program: The Australian Government loan program established by the VET Student Loans Act 2016 that assists eligible students enrolled in approved higher level vocational education and training courses at approved course providers pay their tuition

VET Student loan Debt - A student incurs a VET Student Loan debt for the amount of VET Student loan loaned to them by the Commonwealth to pay for part or all of their tuition fees plus a loan fee of 20% for full fee-paying students.

VET Student Loan Officer - Responsibilities of the VET Student Loan Officer are undertaken by the VET Student Loan Officer in charge of the work group responsible for the delivery of the relevant course. Responsibilities include determining the outcome of a student's application for a review of their application for a refund and remission.

RESPONSIBLE OFFICER

The Compliance Manager, with input from other departments, is responsible for the development, compliance monitoring and review of this policy and any associated guidelines.

IMPLEMENTATION

The PEO is responsible for the implementation of this policy and procedure and ensuring that all staff are fully trained in its operation and Students and potential students are made aware of its availability.

Enquiries about interpretation of this procedure should be directed to Compliance.



Procedure

1. Re-Crediting of FEE-HELP Balance and Remission of Debt

1.1 COMPLETED UNITS

Refund of upfront fees paid or remission of a VET Student loan debt are not available for completed units of study regardless of the academic result.

1.2 WITHDRAWAL FROM A VET UNIT OF STUDY BEFORE THE CENSUS DATE

A student who has enrolled in a VET Student Loan approved unit of study who has paid all or part of the tuition fee upfront and who withdraws from the unit of study on or before the census date will receive a refund of the tuition fee amount that they have paid up front.

All paid fees, including incidental, paid up front will be refunded.

A student who is eligible for VET Student Loan and who has requested VET Student loan for a unit of study who withdraws from an eligible VET unit of study on or before the census date will not incur a VET Student Loan Debt for the tuition fees for that unit, and subsequent units of study.

Student's current **and** subsequent VET units of study will be cancelled.

A student who is eligible for VET Student Loan but has not requested VET Student loan for a VET unit of study and who withdraws from an eligible VET unit of study on or before the census date will be entitled to a refund of the tuition fees for that unit.

In the event Tuition Assurance circumstances arise, a refund may be granted in accordance with provisions of the Tuition Assurance statement.

- The students should formally communicate their intentions to withdraw their studies from VET unit of study to New England College via Withdrawal form available online or an e-mail to info@nec.edu.au. and the administration officer shall send the withdrawal form online.
- Once the formalities for withdrawal from VET unit of study are completed, our administration officer shall confirm the student regarding the completion of the same via e-mail.
- The confirmation shall also include the **amount of debt** incurred by the student for that course.

1.3 WITHDRAWAL/CANCELLATION FROM A VET UNIT OF STUDY AFTER THE CENSUS DATE

Students who are enrolled in a VET unit of study and who withdraw from the VET unit of study after the census date for the unit or who fail to complete the unit:

- Will be liable for the full debt for tuition fees for this VET unit of study if they have accessed VET Student loan, unless special circumstances apply, in which case students may apply to have their FEE-HELP balance re-credited, which will trigger a remission of their debt.
- Will not be refunded any incidental fees.
- Current **and** subsequent VET units of study will be cancelled.
- You will not be granted a remission of your current VET unit of study unless you prove special circumstances as detailed in Section 2.
- Previous completed VET units of study will **NOT** be refunded, re-credited or remitted.



- In the event Tuition Assurance circumstances arise, a refund may be granted in accordance with provisions of the Tuition Assurance statement.

1.4 NEW ENGLAND COLLEGE CANCELLING A STUDENT'S VET FEE-HELP ENROLMENT

New England College will maintain communication with students either directly or indirectly using such as but not limited to: email, face to face, SMS and by mail. Communication is recorded through the Student Management System, Emails and Records.

NEC may elect to cancel a student's enrolment after census date for any of the following reasons:

- The student is not genuine
- The student has not met their obligations under the terms and conditions of their enrolment with NEC
- The student engages in conduct which is abusive or dangerous to themselves, other students, or NEC staff

In the event that NEC elects to cancel a student's enrolment after census date, the following steps will occur:

- NEC will inform the concerned student of a proposed cancellation; and
- Once the cancellation process is initiated the student will have at least 28 days to initiate grievance procedures before the cancellation takes final effect.
- The cancellation shall take final effect only after any grievance procedures initiated by the student have been completed.

Students are advised of the importance of maintaining communication with New England College prior to, during the enrolment process and orientation/ induction processes.

Non-Communication by a Student as defined by New England College is:

Where a Student is unable to be contacted directly, indirectly or via their Emergency Contact provided in their Application for Admission greater than two months.

New England College will commence an Internal Cancellation of Enrolment Process prior to the Student's next Census Date when:

1. The Student has not commenced their VET unit of study and been uncontactable by the College. The student will be considered to have abandoned their course.
2. The Student has failed to respond to communication contact by the College

In the event that NEC has cancelled a student's enrolment because they are not a genuine student, a decision to re-credit the student's FEE-HELP debt will be made at the sole discretion of the CEO or delegate. Where a student's enrolment has been cancelled due to misbehaviour or unmet obligations under the terms and conditions of enrolment, no refunding or re-crediting will occur for the current or prior units of study the student was enrolled in. Any future units of study will be cancelled upon finalisation of the original decision to cancel, if it is upheld through the complaints and appeals process.



COMMONWEALTH ASSISTANCE NOTICE (CAN)

All students who have requested VET Student Loan must receive a Commonwealth Assistance Notice (CAN), even if the student has fully paid their tuition fees on or before the census date and therefore has not incurred a VET Student Loan debt for that VET unit of study.

Within 28 days of the census date for a VET unit of study, New England College will send students who have requested VET Student Loan a Commonwealth Assistance Notice (CAN) setting out:

- What units the student has enrolled in
- The amount of vet Student Loan debt incurred for each unit
- The loan fee for each unit if applicable
- The student's right to request correction of information contained in the CAN.
- That the student is responsible for ensuring they have sufficient Fee-Help balance to cover the Fee-help amounts indicated in the CAN and that they are not eligible to receive assistance greater than their FEE-HELP balance.

If a student believes the information in the CAN is incorrect,

- Within 14 days of the CAN being given, the student may submit a written request that the VET Student Loan Officer review the CAN
- The request should specify the particular information the student considers is incorrect and the reasons why it is considered incorrect.

New England College will consider the request as soon as possible and notify the student in writing of the outcome.

If the information on the CAN was incorrect or has ceased to be correct, New England College will:

- Issue a new CAN with the correct information
- Correct its records
- Correct data sent to the Department.

2.1 APPLYING FOR A RE-CREDIT OF FEE-HELP BALANCE AFTER THE CENSUS DATE

After the census date for a unit, students who have accessed VET Student loan for all or part of their VET tuition fees incur a VET Student Loan debt equal to the assistance received plus the loan fee if that applies.

If a student withdraws from their studies after the census date or if they did not complete one or more VET units of study because their circumstances changed on or after the census date and these circumstances were special circumstances (compassionate and compelling reason, refer to Compassionate and Compelling reasons below) the student may apply to New England College for:

- A remission of their FEE-HELP debt under Section 68 of the Act because of special circumstances.
- A refund of any tuition fees and incidental fees paid upfront for goods and services not received by the student.

Students must apply in writing using the Application for Re-Credit of FEE-HELP Balance form.

The completed form and supporting documentation must be submitted to the VET Student loan Officer



- Within 12 months after the census day of the course, or part of the course.

The VET Student Loan Officer may waive the 12 month time limit on the grounds that it would not be or was not possible for the student to make the application before the end of the 12 months.

Responsibilities of the VET Student Loan Officer are undertaken by the VET Student Loan Officer in charge of the work group responsible for the delivery of the relevant VET Student Loan approved course.

2.3 COMPASSIONATE AND COMPELLING REASONS

Compassionate and compelling reasons are special circumstances that:

- Are unusual, uncommon or abnormal, and beyond the student's control, and
- If they occurred before the census date, they did not make full impact until on or after the census date or they worsened on or after the census date and
- Made it impracticable for the student to complete the requirements for the unit in the period in which the unit was undertaken or was to be undertaken.

All **three elements** need to be satisfied for New England College to grant a remission/re-credit of the VET FEE-HELP loan.

A lack of understanding or knowledge of the requirements of VET Student loan and responsibilities of a student is not considered under the Act to be beyond the student's control.

Compassionate and compelling reasons may include:

- Medical circumstances: where a student's medical condition has changed to such an extent that he or she is unable to continue studying or
- Family/Personal circumstances: death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue studies or
- Employment related circumstances: where a person's employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person's control or
- Course related circumstances: where New England College has changed the unit it had offered and the person is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or courses.

Claims for a refund in the event of special circumstances need to be supported by evidence. This evidence can be submitted electronically or in hard copy. Examples of supportive evidence include:

- In respect to Medical circumstances, the provision of a medical certificate from a registered medical practitioner. Please provide a **specific diagnosis** on the medical certificate to assist New England College in their review. General medical grounds that do not provide a diagnosis will not be accepted.
- In respect to Family/Personal circumstances, a statutory declaration witnessed by a Justice of the Peace, and where family medical problems are cited, a copy of a medical certificate from a registered medical practitioner, for the family member cited
- In respect to Employment related circumstances, where unforeseen family or personal financial difficulties a statutory declaration witnessed by a Justice of the Peace or a signed statement from either Centrelink or a registered Job Services Australia provider or a registered Migration Agent



- In respect to Course related circumstances, a written declaration from an officer of the employer describing the change in employment status or arrangements or a signed statement from either Centrelink or a registered Job Services Australia provider describing the change in employment status.

Special circumstances do not include:

- Lack of knowledge or understanding of requirements under VET Student Loan; or
- A person's incapacity to repay a VET Student Loan debt.

2.4 OUTCOME OF THE RE-CREDIT APPLICATION TO THE VET STUDENT LOAN OFFICER

The VET FEE-HELP Officer will:

- Acknowledge in writing receipt of the student's VET FEE-HELP refund/remission application
- Inform the student that a written notice of the outcome of the application and the reasons for the decision will be provided within 14 days
- Consider the application with all the evidence supplied to determine whether special circumstances applied
- Make a decision to either grant or deny a refund
- Send the student a notice of the decision including the reason for the decision
- Include in the notice of decision, information regarding the student's right to have the decision reviewed if they are not happy with it by submitting an application for a review of the decision to the VET Student Loan Senior Review Officer within 28 days of receiving the notice.
- Include in the notice additional advice that the student has the right to apply to the Administrative Appeals Tribunal (AAT) for a review of the decision, or a decision that has been reviewed by New England College's VET FEE-HELP Senior Review Officer.
- Include in the notice the approximate cost of lodging an appeal with the AAT, the fact that this cost may change, and the contact details of the nearest registry of the AAT.
 - The approximate cost of lodging an appeal with the AAT is \$884, however this cost may change. For more information please see <http://www.aat.gov.au/FormsAndFees/Fees.htm#schedule>
 - AAT Contact Details:
 - <http://www.aat.gov.au/ContactUs/QLD.htm>
 - 1800 228 333
 - Email: Brisbane.Registry@aat.gov.au / generalreviews@aat.gov.au
 - The Secretary of the Commonwealth of Australia represented by the department which has the responsibility for administering the *Higher Education Support Act 2003* (the Department) or the Secretary's delegate will be the respondent for cases that are brought before the AAT. Upon the Department's receipt of notification from the AAT, the Department will notify Harvest Education Technical College that an appeal has been lodged. Upon receipt of this notification from the Department, the Review Officer will provide the Department with copies of all the documents they hold that are relevant to the appeal within five (5) business days.



- Upon receipt, a student's request for review of a decision not to re-credit the student's FEE-HELP balance will be acknowledged in writing. Please be informed that if the reviewer has not advised the student of a decision within 45 days of receiving the request for review, the reviewer is taken to have confirmed the original decision.

Where the student's initial application is approved:

The VET Student Loan Officer will:

- Update all relevant information systems
- Remit the student's VET Student loan fees that the student received for the unit of study within two weeks of the notification of the decision
- Process any associated changes to enrolment
- Refund any upfront payments the student made towards tuition
- Remove any academic penalty previously applied against the unit of study
- Notify the department of the revisions and repay to the commonwealth any amounts of VET Student Loan New England College received for the VET unit so that the student's VET Student Loan debt for the unit is remitted

Where the student's initial application is not approved the student has the right to access the Complaints and Appeals process if he or she wishes to appeal against the decision made.

2.5 PRIVACY OF INFORMATION

- New England College officers and staff will comply with the Information Privacy Principles (IPP) set out in Section 14 of the Privacy Act 1988 when they handle personal information obtained for the purposes of VET Student Loan.
- New England College will provide students with access to their own personal information held by New England College at no charge.
- A student may request that a record be amended because it is inaccurate through written request/ e-mail @ info@nec.edu.au
- New England College will correct a record found to be inaccurate but where New England College finds the record to be accurate, the details of the request for amendment will be noted on the record.

2.6 RE-ENTRY INTO THE COURSE AFTER BEING WITHDRAWN / CANCELLED FROM THE COURSE

Students who are seeking to enrol back into a course within 3 months of being withdrawn / cancelled from the course:

If before the relevant census date, where student has not incurred any tuition fee:

Students can apply to be re-instated into the same unit of study under their original enrolment documentation and eligibility paperwork. Students must do so in writing prior to their original census date, and must provide detailed reasons which demonstrate what has changed from their original request to withdraw. The final decision of whether to allow the student re-entry into the course is at the College's sole discretion.

If after the relevant census date, where student has incurred the relevant tuition fees:

Students can apply to be re-enrolled into the same unit of study (if still being offered) under their original enrolment documentation and eligibility paperwork. The application must be made within 3



months of their original decision to withdraw, and must be accompanied by detailed reasons which demonstrate what has changed from their original request to withdraw. The final decision of whether to allow the student re-entry into the course is at the College's sole discretion.

Students who do not meet the timeframes for application as outlined above will need to go through the VSL application process again for their nominated course. If a student's withdrawal has been processed, a student can only make a request to re-enrol into an approved course, or a part of an approved course, after the withdrawal has been processed. The final decision of whether to allow the student re-entry into the course is at the College's sole discretion.

3. Applying to the Secretary for re-crediting of a FEE-HELP Debt:

Students may apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the Act if they believe any of the following has occurred:

- (i) NEC, or a person acting on NEC's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
- (ii) NEC has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student;

Such applications for re-crediting under section 71 of the Act must be made within 5 years after the census day for the course, or the part of the course, concerned, or within that period as extended by the Secretary.

The Secretary may also re-credit a student's FEE-HELP balance in relation to special circumstances if NEC is:

- (i) is unable to act or is being wound up or has been dissolved; or
- (ii) has failed to act and the Secretary is satisfied that the failure is unreasonable

4. Publication and amendment of this policy

This policy will be made publicly available on the New England College website (www.nec.edu.au) in an online accessible and printable format, in the section 'Policies and Procedures'.

Alternatively, a copy of this policy may be requested by contacting New England College using the contact details provided below:

Mail:

New England College
PO Box 7185,
East Brisbane, QLD 4169

Email: info@nec.edu.au

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