

TRANSFER OF PROVIDER PROCEDURE

Parent Policy:	A014 Transfer of Provider Policy	
Effective Date:	1/12/2008	
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Related Documents:	Glossary of Terms A011 Complaints and Appeals Policy (Student Related Matters) F001 Fees Cancellations and Refunds CELUSA Refund Policy AEI Factsheet – Standard 7 (appendix 1)	
Implementation & Review:	SAIBT/CELUSA Executive	
Superseded Documents:	A014 Provider Transfer Policy, 30/06/2008	

Any person who requires assistance in understanding any aspect of this document should contact the Quality & Compliance Officer.

1 Purpose

This procedure states the process under which CELUSA and SAIBT will approve a student request for a transfer between registered providers. This procedure should be interpreted in accordance with the *Provider Transfer Policy*.

2 Procedure

2.1 Enrolling Transfer Students

- a) A student may not be enrolled at CELUSA or SAIBT prior to completing six months of their principal course of study except where:
 - i. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered,
 - ii. the original registered provider has provided a written letter of release,
 - iii. 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
 - iv. any government sponsor of the student considers the change to be in the student's best interest and has provided written support for the change.
- b) If a student has stated on their application form that they are currently enrolled at a different institution, Admissions staff will request that a letter of release from that institution be forwarded with the acceptance form.
- c) When creating an electronic Confirmation of Enrolment, the PRISMS system will alert Admissions staff if a student is enrolled at a different institution. A Confirmation of Enrolment may not be issued to such students unless a letter of release or evidence of

meeting the conditions stated at 2.1.a above has been received from the other institution.

- d) Admissions staff will place the letter of release in the enrolment section of the student's file.

2.2 Approving a Request for Transfer

- a) The student must request a transfer of provider in writing using the Transfer of Provider Application Form. Evidence supporting reasons for transfer must be attached, including the letter of offer from the other provider.
- b) The Deputy Academic Director/Academic Director will assess the application according to the criteria detailed below. The Academic Director may request an interview with the student to discuss the issues involved.
- c) The Deputy Academic Director/Academic Director will indicate the result of the assessment and sign the Transfer of Provider Application Form and forward all related documents to the Manager, Student Services Centre for processing.

2.2.1. Circumstances in which CELUSA/SAIBT will approve a request for transfer

The Institute will consider the following circumstances as reasonable grounds for transfer prior to completing 6 months of their principal course of study, where it can be demonstrated that the transfer is in the student's best interest:

- a) The student has received a direct offer for a degree program at one of CELUSA and/or SAIBT's partner institutes;
- b) CELUSA and/or SAIBT is unable to continue to provide the program of study;
- c) The student demonstrates they are experiencing a threat to their physical or mental health or safety by remaining at CELUSA and/or SAIBT and demonstrates clearly how this will be alleviated through a transfer;
- d) The student is not coping in the program and has sought academic assistance from CELUSA and/or SAIBT that has not improved their academic performance;
- e) The program of study is not consistent with the program requested on the student's application, as documented in their student file;
- f) A government sponsor of the student considers the change to be in the student's best interest and has provided written, authorised support for that change.

2.2.2. Circumstances in which CELUSA/SAIBT will not approve a request for transfer

The Institute will consider the following circumstances as reasonable grounds to reject a student request for transfer prior to completing the first six months of their principal program of study:

- a) The transfer may jeopardise the student's progression through a package of programs;
- b) The student has a change of mind;
- c) The student has not passed an in-semester or end-of-semester assessment in the first semester of their program;
- d) The student expresses difficulty with the program of study but has not sought assistance from SAIBT and/or CELUSA support services;
- e) The student is experiencing Homestay or other accommodation problems;
- f) The student is experiencing adjustment difficulties moving to Australia;
- g) CELUSA and/or SAIBT believes that the proposed program detailed in the new letter of offer will not provide adequate preparation for further study, for

example the other provider's course does not articulate into the principal course of study;

- h) The student has been issued an intention to report letter for failure to meet attendance or academic progress requirements.

A transfer will always be refused unless:

- a) the student has a valid enrolment offer from the receiving provider, and
- b) where the student is under 18, there is written evidence that the student's parent or legal guardian supports the transfer AND there is written confirmation that the new provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements as per Standard 5 of the National Code.

2.2.3. Where another institution is the principal course provider

- a) Where a student has a packaged offer of a CELUSA and/or SAIBT program and a degree program with a different provider, the degree is considered the principal course of study.
- b) The student will not have completed six months of their principal course of study until they have completed six months of the degree program.
- c) The student must apply to CELUSA and/or SAIBT, AND to the packaged provider to request a release. The student will be subject to the other provider's release policy.

2.3 Outcome of Transfer Request

Students will be advised of the outcome of their request within 10 working days of the request being submitted. Students must continue to attend classes while the request is being processed.

2.3.1. Request for Transfer Approved

- a) The letter of release must be addressed directly to the institution that issued the student's offer letter, and will be signed by the Academic Director.
- b) Upon receipt of the completed Transfer of Provider Application form and letter of release, Student Services Centre staff will cancel the student's enrolment at CELUSA and/or SAIBT, and report the transfer approval through PRISMS.
- c) The letter of release will be available to the student through the Student Services Centre only after the enrolment has been cancelled.
- d) Cancellation fees and penalties will be applied in accordance with the CELUSA and/or SAIBT Refund Policy.
- e) A copy of the Transfer of Provider Application Form, supporting documents, release letter and PRISMS Student Course Variation will be placed on the student's file.

2.3.2. Request for Transfer Denied

- a) The student will be informed in writing of the reasons that the request has been refused.
- b) The student's enrolment will remain current.
- c) A copy of the Transfer of Provider Application Form, supporting documents and request for transfer refusal letter will be placed on the student's file.

2.4 Appeal Against Refusal of Transfer

Where a student's request for transfer has not been supported, the student may lodge an appeal in accordance with the *Complaints and Appeals Policy*.

3 Procedure Revision

This procedure may be revised from time to time without notice. The current version is always available in electronic form from the SAIBT and CELUSA websites.



Fact sheet – Standard 7

THE BASICS

Under Standard 7 of the National Code 2007, providers must not knowingly enrol the student wanting to transfer from another provider prior to the student completing six months of his or her principal course unless:

- The registration of the provider or the course in which the student is enrolled is cancelled
- The provider has given the student a letter of release
- A government sanction on the provider's registration prevents the student from continuing his or her principal course, or
- The student's government sponsor writes to support the change.

Principal course

The principal course is the student's main course of study or that leading to the highest qualification on the student's current visa. If the student is on a package of courses, the course leading to the highest qualification will be the student's principal course and the restriction will apply to the first six months of that course and any packaged courses before it.

Intention of Standard 7

The standard, contained within the consumer protection grouping of standards, recognises overseas students as consumers and supports them to exercise choice, while acknowledging the need to support students to transition to study and life in Australia. This intent is reflected in the introductory text to the standard:

"Registered providers, from whom the student is seeking to transfer, are responsible for assessing the student's request to transfer within the restricted period. It is expected that the student's request will be granted where the transfer will not be to the detriment of the student."

Transfer policies

Providers' transfer policies must support the intention of Standard 7 and consider individual circumstances. Policies with blanket rules such as "No request for a letter of release will be granted" are not compliant. Policies that permit transfers in a very limited set of circumstances – thus acting as a blanket no-release rule – are also non compliant.

Providers must make the student transfer policy and procedure available to both staff and students.

Assessing requests for a letter of release

Providers should inform students of the outcome of his or her request for a letter of release within a reasonable timeframe. Providers should take into consideration that students often need to meet cut-off dates for enrolment with other providers. Good practice is that a provider gives the student an answer no later than 10 working days from the date the student lodges their application to transfer.

Granting a letter of release

Providers must not give a student a letter of release unless the student shows them a valid letter of offer of enrolment from another provider. An under 18 student must also show the provider written evidence that their parent or legal guardian supports their transfer AND, if applicable, a letter from the new provider that states they will take responsibility for approving the student's accommodation, support and general welfare arrangements.

Letters of release and packaged courses

Students in a package of courses must complete six months of the principal course – the course leading to the highest qualification – plus all preliminary courses before they can transfer to another provider unless one of the exceptions is satisfied.

Students can transfer from a preliminary course (with a release letter from the provider of the preliminary course) but they must maintain their enrolment with the subsequent providers in the package (unless they gain release letters from these providers).

If a transfer affects the start dates of any subsequent courses in the package the student:

1. Needs a letter of release from the providers of these courses, or
2. Agreement from these providers to delay the Confirmation of Enrolment (CoE) commencement dates.

Providers should tell students enrolled in a package that changing their preliminary course(s) may exclude them from admission to their principal course as a preliminary course can be a prerequisite for the principal course.

Refusing a letter of release

When a provider refuses a request for a letter of release it must give the student written reasons for doing so. These should note the factors taken into consideration and reflect due consideration of the student's individual circumstances. The reasons for refusal should help the student to decide if he or she will appeal the decision. The document must also tell the student that he or she has the right to appeal the provider's decision.

Approximations of a letter of release

The receiving provider may enrol a student if they have documentation that approximates the letter of release (e.g. the student has evidence their CoE was conditional on meeting certain entry requirements and they did not meet the requirements). The receiving provider must note this in PRISMS and keep the documentation on the student's file. A student wanting a CoE for the purposes of applying for a new visa is not considered to be a circumstance that would constitute an approximation of a letter of release.

Students withdrawing from a course

If a student withdraws from a course the *Education Services for Overseas Students (ESOS) Act 2000* requires that the provider advise the Department of Education, Employment and Workplace Relations (DEEWR) through PRISMS within 14 days. This information is transmitted to the Department of Immigration and Citizenship (DIAC) and has implications for the student's visa.

If a student withdraws without completing six months of their principal course (and the exceptions to the Standard 7 rule don't apply) another provider can not enrol the student unless they have documentation that approximates a letter of release. A FAQ for students on this matter is at http://aei.dest.gov.au/AEI/ESOS/FAQs/For_Students.htm#transferprovider.

Provider obligations under Standard 1.3 and 4.3.a

Under Standards 1.3 providers must not actively recruit a student where this clearly conflicts with its obligations under Standard 7. Furthermore, Standard 4.3.a of the National Code requires providers not to accept students from or enter into an agreement with an education agent where it knows or suspects that the education agent has deliberately attempted to recruit a student where this clearly conflicts with the obligations of providers under Standard 7.

Further information

- The National Code 2007 – <http://aei.dest.gov.au/AEI/ESOS/NationalCodeOfPractice2007/>
- The Standard 7 Explanatory Guide – http://aei.dest.gov.au/AEI/ESOS/NationalCodeExplanatoryGuide/PartD/Standard_7.htm
- Fact sheet for students on Standard 7 – http://aei.dest.gov.au/AEI/ESOS/QuickInfo/Std7_FactSheet_pdf.pdf