Student Withdrawals and Refunds Policy & Procedure

Purpose

This policy and procedure sets out the circumstances under which students withdrawing (i.e. cancelling) from a course may claim for a full or part refund of any fees or charges incurred.

It is divided into the terms and conditions of refunds for both VET Student Loan (VSL) cancellations and non-VSL withdrawals.

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Policy

VFA Learning maintains a fair and reasonable refund policy to ensure that refunds are made available to clients entitled to receive them. It is the policy of VFA Learning that all applicable refunds for tuition fees are paid to students who pay tuition fees directly to VFA Learning and who cancel their enrolment, withdraw from any VFA Learning program or unit or defer or take Leave of Absence.

VFA Learning does not put in place financial nor administrative barriers for any student wishing to withdraw, regardless of the student's funding or loan support arrangement.

In instances where VFA Learning ceases to offer a course, it will ensure that the impacted students will receive credit transfer in a replacement course through issuing Statements of Attainment for part of the course successfully completed.

Should a withdrawn student elect to re-enrol in their previous course or an alternative course at VFA Learning, VFA Learning will only accept the student's application with clear written permission by the student and/or parent/guardian in the event of an under 18 years of age student.

For both indicative and set course related Fees, the student will receive advice on the potential for fees to change during the student's course pre-enrolment, in line with this and VFA Learning's *Fees & Charges Policy and Procedure*. This may be due to CPI increases, significant price changes to products and consumables that form part of the program which are out of VFA Learning's control and/or in the case of domestic students subsidised through Skills First funding, changes to the course SCH rate which impact on the overall course cost. Student will have the right to withdraw and seek a refund in these instances. This policy is relevant to both domestic and international students, should VFA Learning achieve CRICOS registration in 2017. VFA Learning will ensure all international education agents are aware of the relevant policies should VFA Learning achieve CRICOS registration in 2017.

Students are advised about their rights to withdraw and any refund arrangement through both the Student Handbook and on the website, through publishing of this Policy & Procedure

1. NON-VSL Approved Courses including CRICOS procedure

1. Applications for Cancellation must be made in writing to the relevant VFA Learning's campus Academy Managers
2. All enrolments have a 7-day cooling off period (7 days from date of enrolment)

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3. Cancelling *outside of the 7-day cooling off period but prior to commencement date* of course will result in a cancellation fee of $200 (or full course fee if enrolment fee is less than $200)
4. Cancelling *within the first 14 calendar days of the course commencing* will result in a cancellation fee of $200 (or full course fee if enrolment fee is less than $200).
5. Books and other learning materials must be returned (in original condition) or student will incur full costs with no refund applicable
6. Any student cancelling *outside of the first 14 calendar days of course commencement* will result in the student being held liable for the entire course fee
7. Course fees are not transferrable to any other individual
8. All course fees will be refunded if VFA Learning cancels or postpones course commencement by more than four weeks, unless alternative arrangements can be made which are acceptable to the student. Such arrangements may include transfer of enrolment to an alternative course.
9. In the unlikely event of VFA Learning ceasing operations, students will be issued with a Statement of Attainment for all successfully completed units, and will receive a full refund of any incomplete units.

2. VET Student Loan Program

2.1 VFA Learning students who are enrolled into VSL approved qualifications (Diploma and above), who wish to withdraw from a VET Course of Study or VET Unit of Study must provide in writing their request to withdraw to the campus Academy Manager.

Procedure

2.2 If a student requests to be withdrawn from a VET Course of Study or VET Unit of Study on or before the VSL census date:

- The student will be advised that they will not incur a VSL debt;
- Any tuition fees paid up-front, any gap fees paid via payment plan or a loan from the provider will be refunded; and
- VFA Learning will NOT charge:
  a) a withdrawal fee.
  b) an administration fee.
  c) a fine or penalty.
  d) a fee determined to be a disincentive to withdrawing from a unit, part of a course or whole course

2.3 VFA Learning will ensure there is no penalty for withdrawing enrolment on or before census day where:

- VFA learning enrols a student in a course on the basis that some or all of the tuition fees for the course are covered fees (i.e. covered by a VET student loan); and
- on or before a census day for the course the student requests in writing that the provider cancels the enrolment,

2.4 If a student requests to be withdrawn from a VET Course of Study or VET Unit of Study after the census date:

- The student will incur a VSL debt for that VET Unit of Study; and
- No refund is applicable to any fees paid up-front.

2.5 If VFA Learning cancels a student's enrolment, it will:

- Inform the student concerned of a proposed cancellation;
- Provide the student with at least 28 days to initiate grievance procedures before the cancellation takes final effect;

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- Provide for the cancellation to take effect only after the grievance procedures initiated by the student have been completed;
- Set out the circumstances in which fees for the course, or the part of the course concerned will, or will not be refunded.

2.6 If a student elects to enrol in a part of an approved course where the student had earlier withdrawn from a part of the course, the student must request to re-enrol in writing to VFA Learning's Academy Managers.

3. Students Enrolled in VET Student Loan Approved Courses

3.1 Students enrolled in a VET Student Loan approved course, but are paying course fees through other means will be subject to the withdrawal process as outlined in 2.2, 2.3, 2.4 and 2.5

4. Special Circumstances

4.1 VFA Learning will only consider applications for remitting a VSL debt after the census date where there are special circumstances. To assist students with making their application the following definitions and guidelines are to be applied in determining special circumstances:

4.2 Special circumstances which would make it impracticable for the person to complete the requirements for the unit of study may include:

- medical circumstances;
- family circumstances;
- personal circumstances;
- employment related circumstances;
- course related circumstances.

4.3 In determining whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements for the course, or the part of the course, during the student's enrolment in the course, or the part of the course, VFA learning must have regard to the following:

(a) whether the student could do enough of the following to meet course requirements:
  (i) private study;
  (ii) attending training sessions and other activities;
  (iii) engaging online;
(b) whether the student could complete any assessments, or demonstrate any competencies, required;
(c) whether the student could complete any other requirements arising because of the student's inability to do things described in paragraphs (a) and (b).

4.4 Special circumstances need to be:

- beyond a person's control; AND
- do not make their full impact until on or after the census date for the unit of study in question; AND
- make it impracticable for a person to complete the requirements for the unit of study.

4.5 For circumstances to be *beyond a person's control*, the situation should be that which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible.

4.6 VFA Learning needs to be satisfied that a person's circumstances did not make their full impact on the person until on or after the census date for a unit of study if the person's circumstances occur:

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- before the census date but worsen after that day; or
- before the census date, but the full effect of magnitude does not become apparent until on or after that day; or
- on or after the census date.

4.7 The situation must be unusual, uncommon or abnormal to be considered special circumstances.

5. Payment Plan Arrangements and Refunds

5.1 Where a student has an approved payment plan arrangement and requests to withdraw, VFA Learning will, for students supported by a VET Student Loan:

- PRE-census date, refund any monies paid through this payment plan arrangement, and
- POST-census date, ensure any monies owed to VFA Learning for the previous census period will remain outstanding until the debt is repaid in full, at which time the debt will also be reduced to a zero balance for the payment plan arrangement.

5.2 For other students with an approved payment plan and studying an approved course where they have opted not to be supported by a VET Student Loan, VFA Learning will exercise the same census date rules and refund conditions as it applies to students who have opted to be supported by a VET Student Loan (refer above).

6. Re-crediting of a VSL Debt

6.1 A student may apply to have their FEE-HELP balance re-credited under Part 6, Division2 of the VET Student Loans Act 2016:

a) that a student may apply in writing to the provider for the student's FEE-HELP balance to be re-credited under section 68 of the Act because of special circumstances

b) that a student may apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the Act because:

(i) the provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan

(ii) the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student

c) that special circumstances are circumstances that:

(i) are beyond the student's control

(ii) do not make their full impact on the student until on or after the census day for a course, or the part of a course

(iii) make it impracticable for the student to complete the requirements for the course, or the part of the course, during the student's enrolment in the course, or the part of the course

d) that applications for re-crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by the provider

e) that 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

f) the processes available to students in relation to reconsideration and review of decisions whether or not to re-credit FEE-HELP balances

g) as detailed below in Item 5 'Review of Decision' there is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal:

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h) that the Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if a course provider
(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.

6.2 In requesting a remittance of the VSL debt, a student must provide relevant and appropriate evidence that they are unable to continue their study in the unit due to special circumstances. Students can obtain further information about special circumstances from the VSL Officer. The Manager, Contracts and Compliance will act as the VSL Officer in all cases.
6.3 Once a request to remit a person's VSL debt is approved, a student's VSL debt is removed for the relevant unit/s studied.
6.4 VFA Learning will refund to the Commonwealth the amount of VSL paid to the College on behalf of the student, if the student's request is successful.
6.5 VFA Learning will notify 'the Secretary' of variation if the student's request is successful.
6.6 VFA Learning has the discretion to disallow an application for withdrawing from a unit or units of study after the Census Date if it considers the student's request is not based on special circumstances. If it believes there is not sufficient and relevant evidence or if it believes the student's request does not fall within the relevant timeframes for the application and processing of requests for remittance of VSL debt.
6.7 VFA Learning's VSL Officer will consider the student's application as soon as practicable. Applications will be considered within 15 working days. Applicants will be notified of the decision in writing, within a further 15 working days.

In line with our Fair and Treatment & Equal Benefits and Opportunity Policy and Procedure students will not be victimised or discriminated against for:
(a) seeking review or reconsideration of a decision; or
(b) using the provider's processes or procedures about dealing with grievances; or
(c) making an application for re-crediting of the student's FEE-HELP balance under Part 6 of the Act.

7 Review of Decision

7.1 Where VFA Learning makes a decision NOT to re-credit a student's FEE-HELP balance, that decision may be subject to review. This means this means an affected person may request the decision maker to review the decision and apply to the AAT for a review of the reconsidered decision. These decisions are:

- where the Secretary is the decision maker:
  - under section 18 – a decision to approve or not approve a VET student loan
  - under section 36 – a decision to revoke the approval of an approved course provider
  - under section 68 – a decision not to re-credit a student's FEE-HELP balance for special circumstances.
  - under section 71 – a decision to or not to re-credit a student's FEE-HELP balance for unacceptable conduct

- where the course provider is the decision maker:
  - under section 68 – a decision not to re-credit a student's FEE-HELP balance for special circumstances.

7.2 If a Student is not satisfied with the decision made by VFA Learning, the Student may apply at no additional charge, within 28 days of the receipt of the original decision, for a review of the decision. The application for review must:

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- be made within 28 days of receipt of the original decision
- include the date of the original decision
- state fully the reasons for applying for the review
- include any additional relevant evidence

7.3 Applications should be made in writing to the Managing Director (VFA Learning, 78 Yarra Street, Geelong, VIC, 3220) as the designated Review Officer of any decisions relating to a request for re-crediting of a VSL balance.
Note: The Review Officer is senior to the designated VSL officer responsible for the original decision and was not involved in making the original decision to be reviewed.

7.4 The Review Officer will:

- acknowledge receipt of the application for review of a decision in writing within 10 working days; and
- inform the Student that if the Review Officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the Review Officer has confirmed the original decision.

7.5 The Review Officer will then:

- review the information from the original decision and then assess any new evidence provided by the Student
- provide written notice to the Student of the decision, setting out the reasons for the decision
- inform the Student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved (see below).

8 Reconsideration by the Administrative Appeals Tribunal

At the time of the original decision, and **at the time of the subsequent Review Decision**, the student will be notified of their review rights and responsibilities. The VSL officer will inform a student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. The Application must be lodged at the AAT within 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT.

AAT Details and Approximate Costs

AAT Registry, GPO Box 9955, MELBOURNE VIC 3000
Telephone: 1300 366700
Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au. An application fee may have to be paid in the amount of $816 and is subject to change. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT directly. Students are informed of the AAT website and payment arrangements as part of the written notification of the student's right for an external review and through publishing of this Policy & Procedure on VFA Learning's website.

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Upon receipt of notification from the Commonwealth Department of Education & Training (DET) of a lodged AAT appeal, VFA Learning commits to the provision of copies of all the documents that are relevant to the appeal within ten (10) business days.

9 Cancellation of VET Student Loans

It is the policy of VFA Learning to ensure that students complete their course within their course duration. However, unforeseen and unexpected circumstances occur beyond the students' control which can affect their ability to complete their course. Therefore, this policy is instituted to allow for a more systematic process of deferment, suspension, and cancellation of students.

10. Notification of Withdrawal from a VET Student Loans approved course.

10.1 Students who have been withdrawn from a VET Student Loans approved course will be sent a Confirmation of Withdrawal letter, via e-mail, within 30 days of the withdrawal being entered into the system.

10.2 The letter will contain the following information:

- confirmation to the student of their withdrawal, including the date and time of the student's withdrawal, the unit of study, part of a course or whole course from which the student withdrew and the relevant census day
- confirmation as to whether the student has incurred a debt for the unit, part of the course or whole course (noting that no debt may be incurred if the student withdraws prior to the census day)
- advice to the student regarding the special circumstances requirements * if applicable to the student's circumstances
- information about the refund of upfront payments * if applicable to the student's circumstances

Policy Rules
VFA Learning-Initiated Deferral, Suspension or Cancellation of Enrolment 1. VFA Learning may defer student's commencement on the following grounds: • When a course is not offered 2. VFA Learning may ***suspend*** a student enrolment on the following instances: • When a student is deemed to be in breach of the Student Code of Conduct • When a student is deemed not making satisfactory course progress and fails to comply with the requirements of the Intervention Plan 3. VFA Learning may ***cancel*** a student enrolment on the following instances: • When a student demonstrates serious breach of the Student Code of Conduct • When a student is in breach of the course progress policy • When a student is continually absent from scheduled course hours • Non-payment of outstanding fees • In the event that a student enrols on the basis that some or all of the VET tuition fees will be covered by a VET student loan, if the student does not submit an eCAF on or before the census date (or is not approved

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for a VET student loan) and does not voluntarily pay for the part of the course (eg. unit) upfront VFA learning can cancel or defer the students enrolment for the course in whole or in part on the census day. 4. In cases where suspension or cancellation of the student's enrolment is initiated by the Institute, students will be notified and given 30 working days to access the Institute's internal complaints and appeals process (see Student Complaints and Appeals Procedure). 5. There will be no change in enrolment status and the student will not be reported to the department until the appeals process is completed. 6. Upon cancellation of the course, student fees for the remaining proportion of the study period will be reimbursed
Where a decision is made by VFA Learning, the student always has the right to appeal this decision using the appeals processes as outlined in VFA Learning's Complaints and Appeal Process. This must always be clearly communicated to the student with the notification of the decision. Related Documents POLICY & PROCEDURE Grievances & Complaints (Academic & Non-A)

Related Documents

POLICY AND PROCEDURE Grievances & Complaints (Academic & Non-Academic)
POLICY AND PROCEDURE Fair Treatment & Equal Benefits and Opportunities
POLICY AND PROCEDURE Fees & Charges
POLICY AND PROCEDURE Recognition of AQF Qualifications
FACT SHEET Student Payment Plan
SUPPORTING DOCUMENT Student Handbook

Responsible Officer

The responsible officer for the implementation and training for this Policy and Procedure is the Manager, Contracts and compliance.

Publishing details

Document Name	Student Withdrawals and Refunds Policy & Procedure v2
Approved by	Manager, Contracts and Compliance
Date of Approval	7 May 2018
Student Experience Framework Stage	Cultivating Pathways
Student Experience Framework Step	Refund of Fees and Re-Crediting
Version	8
	This policy has been amended to include detail of refund consideration of any fees paid through a payment plan arrangement
	This policy has been amended to include information on the review of decision and determining special circumstances

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Summary of content (new) or amendments (revised)	The Policy Rules have been updated to include information on student not submitting an eCAF on or before the census date
	Inclusion of requirements to withdraw students participating in the VET Student Loan program
Next Review Date	7 May 2019

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