



CHRISTIAN HERITAGE COLLEGE

## **POLICY: Provider Default for Overseas Students**

<b>Policy Group(s):</b>	Group C : Administration – 3: Students (Ref: C3/0505.1-0315)		
<b>Related Policy:</b>	Refund Policy for Overseas Students Grievance Policy and Procedures for Overseas Students		
<b>Commencement Date:</b>	January 1998	<b>Review Date:</b>	October 2020

### **POLICY STATEMENT**

#### **Intent:**

Circumstances may arise where Christian Heritage College (CHC) is no longer able to provide courses for overseas students. This policy will outline those circumstances and the options available to overseas students in the various instances.

#### **Scope:**

All overseas students and those intending students who have paid any money to CHC in order to undertake a course of study at CHC.

*Restrictions:* Nil.

*Exclusions:* Domestic students (see the *Tuition Assurance for Domestic Students* policy).

#### **Objectives:**

1. To provide all enrolled and intending overseas students at CHC with a clear understanding of what happens in the instance of a provider default.
2. To provide staff with clear guidelines of the process in the unlikely event that CHC is no longer able to provide a course(s) to overseas students.
3. To maintain compliance with the requirements of the *ESOS Act 2000*, the *ESOS Regulations 2001*, the *National Code 2007*, the *Education (Overseas Students) Act 1996* and the *Education (Overseas Students) Regulation 1998*.

#### **Policy Provisions:**

##### **1. General**

1.1 A provider default occurs if:

- 1.1.1 a course does not commence on the agreed starting day for any reason; or
- 1.1.2 the courses ceases to be provided at any time after it starts but before it is completed; or
- 1.1.3 the course is not provided in full to the student because CHC has had its registration as an institution able to offer courses to overseas students revoked;

and the student has not withdrawn before the default date.

1.2 CHC is required by the *ESOS Act 2000* and the *ESOS Regulations 2001* to have in place both a refund policy and a Tuition Assurance Scheme (TAS).

## 2. Refund Policy Arrangements

- 2.1 CHC's refund policy is fully disclosed to any intending overseas student through a variety of ways. These include:
- 2.1.1 the *Overseas Student Handbook* which is available both on the CHC website or in print copy through a request to CHC;
  - 2.1.2 the *Refund Policy for Overseas Students* which is available on the the CHC website and in the *Overseas Student Handbook*;
  - 2.1.3 the *Written Agreement* which is signed by the overseas student when accepting the offer of a place and is received at CHC prior to CHC accepting tuition fees or the payment of *Overseas Student Health Cover (OSHC)*.

Please refer to the *Refund Policy for Overseas Students* for further information.

- 2.2 In the case of a Provider Default overseas students or intending overseas students will be provided a full refund of any course money paid. Please refer to the *Refund Policy for Overseas Students* for further information.

## 3. Tuition Assurance Scheme

- 3.1 CHC will ensure that any courses offered to overseas students or intending overseas students are covered by a Tuition Assurance Scheme (TAS) or a Ministerial Exemption.
- 3.2 CHC will endeavour to cover all courses offered to overseas students or intending overseas students by a TAS. Where this is not possible, a Ministerial Exemption will be sought.
- 3.3 CHC will provide students with a plain English explanation of the TAS arrangements within the *Written Agreement* as required by the *ESOS Act 2000* and the *National Code 2007*.

## 4. Courses Covered by a TAS

- 4.1 Where a CHC course is covered by a TAS arrangement the following statement will be provided to any overseas student or intending student in relation to that course:

"In the unlikely event that CHC is unable to deliver your course in full, you will be offered a refund of all the course money you have paid to date. The refund will be paid to you within two weeks of the day on which the course ceased being provided. Alternatively, you may be offered enrolment in a suitable alternative course by Tabor College, Adelaide or Avondale College at no extra cost to you.

You have the right to choose whether you would prefer a full refund of course fees, or to accept a place in another course. If you choose placement in another course, we will ask you to sign a document to indicate that you accept the placement.

If CHC is unable to provide a refund or place you in an alternative course our Tuition Assurance Scheme (TAS) with Australian Council for Private Education and training (ACPET) will place you in a suitable alternative course at no extra cost to you.

Finally, if ACPET cannot place you in a suitable alternative course, the ESOS Assurance Fund Manager will attempt to place you in a suitable alternative course or, if this is not possible, you will be eligible for a refund as calculated by the Fund Manager."

- 4.2 Overseas students who accept the offer of a place at an alternative institution must accept that offer in writing and will not be paid any refund for the non-delivery of any course at CHC in which they were previously enrolled.

## 5. Courses Covered by a Ministerial Exemption

- 5.1 Where a CHC course is covered by a Ministerial Exemption the following statement will be

provided to any overseas student or intending overseas student in relation to that course:

“In the unlikely event that CHC is unable to deliver your course in full, you will be offered a refund of all the course money you have paid to date. The refund will be paid to you within two weeks of the day on which the course ceased being provided. Alternatively, you may be offered enrolment in an alternative course by Tabor College Adelaide, or Avondale College at no extra cost to you.

You have the right to choose whether you would prefer a refund of course fees, or to accept a place in another course. If you choose placement in another course, we will ask you to sign a document to indicate that you accept the placement.

Finally, should CHC be unable to provide a refund or place you in a suitable alternative course, the ESOS Assurance Fund Manager will attempt to place you in a suitable alternative course or if this is not possible, you will be eligible for a refund as calculated by the Fund Manager.”

## Supporting Procedures and Guidelines:

### 1. Guidelines for Students in the unlikely event that CHC is no longer able to offer a course(s) of study.

1.1 In the unlikely event that CHC is unable to deliver your course in full, you do not have to apply for a refund as CHC will notify the Commonwealth government you will be offered a refund of all the course money you have paid to date. The refund will be paid to you within two weeks of the day on which the course ceased being provided. Alternatively, you may be offered enrolment in a suitable alternative course by Tabor College, Adelaide or Avondale College at no extra cost to you.

You have the right to choose whether you would prefer a full refund of course fees, or to accept a place in another course. If you choose placement in another course, we will ask you to sign a document to indicate that you accept the placement.

If CHC is unable to provide a refund or place you in an alternative course our Tuition Assurance Scheme (TAS) with Australian Council Private Education and Training (ACPET) will place you in a suitable alternative course at no extra cost to you.

Finally, if ACPET cannot place you in a suitable alternative course, the ESOS Assurance Fund Manager will attempt to place you in a suitable alternative course or, if this is not possible, you will be eligible for a refund as calculated by the Fund Manager.”

1.2 Overseas students who accept the offer of a place at an alternative institution must accept that offer in writing and will not be paid any refund for the non-delivery of any course at CHC in which they were previously enrolled.

In order to receive a refund ...

## POLICY FURTHER INFORMATION

<b>Relevant Commonwealth/State Legislation</b>	ESOS Act 2000 ESOS Regulations 2001 National Code 2007 Education (Overseas Students) Act 1996 Education (Overseas Students) Regulation 1998
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## ACCOUNTABILITIES

<b>Implementation:</b>	Director, Corporate Services, Registrar
<b>Compliance:</b>	Director, Corporate Services, Registrar
<b>Monitoring and Evaluation:</b>	Director, Corporate Services, Registrar
<b>Development/Review:</b>	Director, Corporate Services, Registrar
<b>Approval Authority:</b>	CHC CEO
<b>Interpretation &amp; advice:</b>	Director, Corporate Services, Registrar

## WHO SHOULD KNOW THIS POLICY?

Overseas Students  
Registrar  
Business Manager

## EFFECTIVENESS OF THIS POLICY

**Performance Indicators:** •

**Other:** Nil

**Definitions and Acronyms:**

**CHC** – Christian Heritage College

**ESOS Act 2000** – Education Services for Overseas Students Act 2000

**TAS** – Tuition Assurance Scheme

**Course money** – money a provider receives, directly or indirectly, from:

- an overseas student or intending overseas student; or
- another person who pays the money on behalf of an overseas student or intending overseas student,

for a course that the provider is providing, or offering to provide, to the overseas student. This includes tuition fees, any amount received by the provider for overseas student health cover, and any other amount that the student had to pay to the provider in order to undertake the course. (as defined by Section 7 of the *ESOS Act 2000*)

**Agreed starting day** – the day on which the course was scheduled to start, or a later day agreed between the registered provider for the course and the student.

**Default day** – the day on which a default occurs and includes:

- the day the course was agreed to start but does not start;
- the day the course starts but the student does not start and has not withdrawn;
- the day the course ceases to be provided;
- the day the student withdraws from the course either before or on the agreed starting day;
- the day CHC refuses to provide, or continue to provide the course to the student (see 2.3.3 in the *Refund Policy for Overseas Students*)

**APPROVAL – section maintained by the Registrar**

<b>Reference No.</b>	<b>Approved</b>	<b>Date</b>	<b>Committee/Board</b>	<b>Minute Ref.</b>
C3/0505.1	Yes	May 2005	Committee of Management	

**REVISION HISTORY – section maintained by the Registrar**

<b>Revision Reference No.</b>	<b>Approved/ Rescinded</b>	<b>Date</b>	<b>Committee/Board</b>	<b>Resolution No. / Minute Ref.</b>
0807	Yes	02/08/2007	Committee of Management	4.2
0315	Yes	13/04/2015	CHC CEO	