

# 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.

## **Policy**

Elly Lukas College 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 Elly Lukas College that all applicable refunds for tuition fees are paid to students who pay tuition fees directly to Elly Lukas College and who cancel their enrolment, withdraw from any Elly Lukas College program or unit or defer or take Leave of Absence.

Elly Lukas College 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 Elly Lukas College 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Should a withdrawn student elect to re-enrol in their previous course or an alternative course at Elly Lukas College, Elly Lukas College will only accept the student's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 Elly Lukas College'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 Elly Lukas College'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.

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

### **NON-VSL Approved Courses including CRICOS procedure**

1. Applications for Cancellation must be made in writing to the relevant Elly Lukas College's campus Academy Managers
2. All enrolments have a 2-day cooling off period (2 days from date of enrolment)
3. Cancelling outside of the 2-day cooling off period but prior to commencement date of course will result in a cancellation fee of \$100 (or full course fee if enrolment fee is less than \$100)
5. Any student cancelling after course commencement will result in the student being held liable for the entire course fee
6. The materials and amenities fee is non-refundable after course commencement.
7. Course fees are not transferrable to any other individual
8. All course fees will be refunded if Elly Lukas College 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 Elly Lukas College 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 Elly Lukas College 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 Course Advisor.

#### **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 not incur a VSL debt;
- Any tuition fees paid up-front will be refunded; and
- Elly Lukas College will NOT charge a withdrawal fee.

2.3 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.

2.4 If Elly Lukas College 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;
- 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.

2.5 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 Elly Lukas College's Academy Managers.

### **3. Special Circumstances**

3.1 Elly Lukas College 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:

3.2 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.

3.3 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.

3.4 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.

3.5 Elly Lukas College 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:

- 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.

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

#### **4. Re-crediting of a VSL Debt**

4.1 A student may apply to have their FEE-HELP balance re-credited under Part 6, Division 2 of the VET Student Loans Act 2016

a) that a student may apply 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:
- 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.

4.2 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 Course Advisor.

4.3 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.

4.4 Elly Lukas College 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.

4.5 Elly Lukas College will notify the Australian Government Department of Education of variation if the student's request is successful.

4.6 Elly Lukas College 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.

4.7 Elly Lukas College's VSL Officer will consider the student's application as soon as practicable. Applications will be considered within 30 working days. Applicants will be notified of the decision in writing, within a further 10 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.

## **5. Review of Decision**

Where Elly Lukas College makes a decision NOT to re-credit a student's FEE-HELP balance, that decision may be subject to review.

5.1 If a Student is not satisfied with the decision made by Elly Lukas College, 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:

- 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

5.2 Applications should be made in writing to the Director, Elly Lukas College 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.

5.3 The Review Officer will:

- acknowledge receipt of the application for review of a decision in writing within 20 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.

5.4 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.

## **6. Cancellation of enrolment / VET Student Loans**

It is the policy of Elly Lukas College 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. In the event that the College deems it necessary to cancel a student's enrolment in an approved course or a part of an approved course after the census date for the course for any reason such as academic progress or attendance the College will :

- inform the student via email of the College's intention to cancel the enrolment
- provide the student with at least 28 days to initiate the grievance procedures before the cancellation takes final effect; and
- provide for the cancellation to take final effect only after any grievance procedures initiated by the student have been completed; and
- set out the circumstances in which the fees for the course, or part of the course, concerned will, or will not be, refunded.

## **7. Notification of Withdrawal from a VET Student Loans approved course.**

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

The email will contain the following information:

- confirmation to the student of their withdrawal, including the date and time of the student's withdrawal.
- information about the refund of upfront payments if applicable to the student's circumstances