

VET STUDENT LOANS POLICY AND PROCEDURES

STUDENT REVIEW AND RE-CREDITING PROCEDURES

Date Approved:	18/01/2017
Scheduled Review Date:	18/01/2018
Policy Category:	Access and Equity
Ratified by Board:	31/01/2017
Policy Owner:	General Manager

1. Purpose

- 1.1 To provide a framework and mechanism for the RTO to assess applications to re-credit a student's FEE-HELP balance after the census date in an Approved course.

2. Objectives

- 2.1 The objectives of this policy are to provide clear guidelines on how students who have nominated to have their tuition fees paid under a VET Student Loan may apply to have any VET Student Loan debt re-credited.

3. Scope

- 3.1 This policy applies to students who are Australian citizens or Australian resident permanent humanitarian visa holders, or qualifying New Zealand citizen enrolled in an Approved course with the RTO.

4. Definitions

- 4.1 **AAT** – Administrative Appeals Tribunal
- 4.2 **Census Date** – The last day a student may withdraw from a VET unit of study in which they are enrolled without incurring a liability for tuition fees or a VET Student Loan debt.
- 4.3 **The Department of Education** – Commonwealth of Australia represented by the department, which has the responsibility for administering the *VET Student Loans Act and VET Student Loans Rules 2016*.

Document name	VSL Student Review & Re-Crediting Procedures				
Issue date	January 2017	Review date	January 2018	Version no	1.0
Authorised By:	General Manager	<i>Document control management – Uncontrolled when printed</i>			Page 1 of 6

- 4.4 **The RTO** – refers to SEDA Group as the Registered Training Organisation (RTO), including all venues and departments.
- 4.5 **Approved course** – a qualification or course of study that has been approved by the Department of Education as eligible for VET Student Loans.
- 4.6 **VET Unit of Study** – a published unit of study that forms part of an Approved Course.

5. Principles

- 5.1 This policy complies with VET Student Loans Act and VET Student Loans Rules 2016.
- 5.2 For the purpose of this procedure, a student is an Australian citizen, or an Australian resident permanent humanitarian visa holder, or qualifying New Zealand citizen enrolled in an Approved course with the RTO.
- 5.3 SEDA Group will:
 - Set a census date for each VET Unit of Study that is no earlier than 20% of the way through the VET Unit of Study;
 - Ensure that all students are informed of the census date for each VET Unit of Study in the manner and by the date prescribed in the VET Student Loans Act 2016;
 - Ensure that all students are informed of the review procedures for the re-crediting of a FEE- Help balance.
- 5.4 A student who withdraws from a VET Unit of Study on or before the published census date for that VET Unit of Study will not incur a VET Student Loans debt for that VET Unit of Study. There are no financial (fines, penalties or fees), administrative or other barriers to a student withdrawing from a VET unit of study on or before the census date and there will be no withdrawal fees.
- 5.5 Where a student withdraws or cancels their enrolment from a VET unit of study, the student will not be enrolled in subsequent units without a written request from the student.
- 5.6 A student who withdraws from a VET Unit / Course of study on or before the published census date is entitled to a full refund of their VET tuition fees if the tuition fees are paid up front.
- 5.7 A student who withdraws from a VET Unit of Study after the published census date for that VET Unit of Study will incur a VET Student Loans debt for that VET Unit of Study.
- 5.8 A student who has incurred a debt for a VET Unit of Study may apply to have their FEE-HELP balance re-credited for the affected VET Units of Study in accordance with the following procedure.

Special Circumstances

- 5.9 Students may apply to the RTO for the student's FEE-HELP balance to be re-credited under section 68 of the Act because of special circumstances.

Document name	VSL Student Review & Re-Crediting Procedures				
Issue date	January 2017	Review date	January 2018	Version no	1.0
Authorised By:	General Manager	<i>Document control management – Uncontrolled when printed</i>			Page 2 of 6

- 5.10** Students may also apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the Act because:
- 5.10.1** The provider engaged in unacceptable conduct in relation to the student's application for the VET Student Loan; or
 - 5.10.2** The provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.
- 5.11** If a student withdraws from a VET Unit of Study after the census date for that VET Unit of Study, or has been unable to successfully complete a VET Unit of Study, and believes this was due to special circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected VET Units of Study.
- 5.12** SEDA Group will re-credit the student's FEE-HELP balance if it is satisfied that special circumstances apply that:
- are beyond the student's control; and
 - did not make their full impact on the student until on or after the census date for a course of part of a course; and
 - make it impracticable for the student to complete the requirements for the course or part of the course, during the student's enrolment in the course or part of the course.
- 5.13** SEDA Group will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal.
- 5.14** Each application will be examined and determined on its merits by considering student's claim together with independent supporting documentation substantiating the claim. Initial applications for the re-crediting of a student's FEE-HELP balance are to be made in writing to SEDA Group VET Student Loans Administration and send to:

SEDA Group
 Level 1, 425 Riversdale Road
 Hawthorn East VIC 3123

6. Procedure

- 6.1** The procedure for the re-crediting of a student's FEE-HELP balance is as follows:
- 6.1.1** When a student withdraws from a VET Unit of Study, using a Student Withdrawal Form the RTO shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
 - 6.1.2** When a student fails to meet the requirements of a VET Unit of Study, the RTO shall confirm the failure by giving notice to the student in writing of the final result for that VET Unit of Study after results for the VET Unit of Study have been properly approved;
 - 6.1.3** For applications for re-crediting under section 68 of the Act, the student must apply in writing to SEDA Group's VET Student Loans Administration within 12 months from

Document name	VSL Student Review & Re-Crediting Procedures				
Issue date	January 2017	Review date	January 2018	Version no	1.0
Authorised By:	General Manager	<i>Document control management – Uncontrolled when printed</i>			Page 3 of 6

the census date for the course, or part of the course, concerned. The RTO may use its discretion to waive this requirement if in its opinion it was not possible for the application to be made before the end of the 12-month period. The written application must also include supporting documentation that demonstrates that the requirements for special circumstances have been met;

- 6.1.4** For applications for re-crediting under section 71 of the Act, the student must apply in writing to SEDA Group's VET Student Loans Administration within 5 years from the census date for the course, or part of the course, concerned. The Secretary may use his/her discretion to waive this requirement.
- 6.1.5** The VET Student Loans Administrator will consider the application (as referred to in 6.1.3) and will agree to such requests if they are satisfied that there were special circumstances in the student's case;
- 6.1.6** If the application is successful, the RTO will re-credit the student's FEE-HELP balance with an amount equal to the amount of VET Student Loans assistance that the student has received for the affected VET Units of Study and the student's VET Student Loans debt for those VET Units of Study will be removed.
- 6.1.7** VET Student Loans Administration shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- 6.1.8** VET Student Loans Administration shall advise the student of their rights for a review of the decision if they are not satisfied with its outcome and that a request for such a review must be lodged within 28 days from the day of receipt of the decision or such longer period as the VET Student Loans Administrator allows.

Review of a Decision

- 6.2** If a student is not satisfied with the decision made by the VET Student Loans Administrator in relation to re-crediting their FEE-HELP balance they may request a review of the decision.
- 6.3** The Review Officer who is the General Manager and is senior to the original decision maker shall carry out the review.
- 6.4** Any such request must be submitted to the Review Officer in writing and:
 - must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period
 - must specify the reasons for making the request and include any supporting documentation
 - Request must be sent to:

SEDA Group
 Level 1, 425 Riversdale Road
 Hawthorn East VIC 3123

Document name	VSL Student Review & Re-Crediting Procedures				
Issue date	January 2017	Review date	January 2018	Version no	1.0
Authorised By:	General Manager	<i>Document control management – Uncontrolled when printed</i>			Page 4 of 6

6.5 The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE–HELP balance in writing and inform the applicant that if the Review Officer has not advised the applicant of a decision within 45 days of having received the application for review, the Review Officer is taken to have confirmed the original decision. The notice shall advise the applicant that they have the right to apply to the Administrative Appeals Tribunal within 28 days of a decision for a review of that decision and will provide the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

6.6 The Review Officer shall:

- 6.6.1** seek all relevant information from the person who made the original decision;
- 6.6.2** review the case within 3 weeks and advise the student of a decision in writing giving the reasons for the reviewer's decision.

6.7 The Review Officer may:

- 6.7.1** confirm the decision;
- 6.7.2** vary the decision; or
- 6.7.3** set the decision aside and substitute a new decision.

6.8 The Review Officer will give written notice of the decision setting out the reasons for the decision. The applicant shall also be advised in the decision of the right to apply to the Administrative Appeals Tribunal within 28 days of receiving the written advice of a decision for a review of that decision and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

6.9 If you wish to further appeal this decision, you may lodge an appeal with the Administrative Appeals Tribunal (AAT within 28 days from the written notice). The current fee to lodge an application with the AAT for review of a decision can be found on their website:
<http://www.aat.gov.au/FormsAndFees.htm>

Contact Details:
 Administration Appeals Tribunal
 Level 16, HWT Tower, Southgate
 40 City Road
 Southbank
 Telephone: 03 9282 8480 or 1800 228 333
 Email: <http://www.aat.gov.au/ContactUs/VIC.htm>

6.10 The Department of Education (the Secretary or the Secretary's delegate) will be the respondent for cases that are brought before the AAT. Upon the Department of Education's receipt of a notification from the AAT, the Department will notify the RTO that an appeal has been lodged. Upon receipt of this notification, 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.

6.11 Student's will not be victimized or discriminated against for

Document name	VSL Student Review & Re-Crediting Procedures				
Issue date	January 2017	Review date	January 2018	Version no	1.0
Authorised By:	General Manager	Document control management – Uncontrolled when printed			Page 5 of 6

- 6.11.1 Seeking a review or reconsideration of a decision; or
- 6.11.2 Using the RTOs processes or procedures about dealing with grievances; or
- 6.11.3 Making an application for re-crediting of the student's FEE-HELP balance under Part 6 of the Act.

7. Related Documents:

- VET Student Loans Act 2016
- VET Student Loans Rules 2016

Document name	VSL Student Review & Re-Crediting Procedures				
Issue date	January 2017	Review date	January 2018	Version no	1.0
Authorised By:	General Manager	<i>Document control management – Uncontrolled when printed</i>			Page 6 of 6