

# STUDENT TRANSFER POLICY

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# STUDENT TRANSFER POLICY

## PURPOSE

This policy supports the Standards for Registered Training Organisations (RTOs) 2015 and the relevant standard of the National Code of Practice for Registered Authorities and Providers of Education and Training to Overseas Students.

## SCOPE

This policy applies to all the students holding a student visa seeking to transfer within the first 6 months of their principal course of study, Focus Language School staff with responsibility for approving, refusing and processing transfer requests of students.

## OWNER

Student Services Officer

## POLICY

This policy details the procedures for assessing applications to transfer of students within the first 6 months of their principal course of study. Students who have studied longer than this period can apply as normal and no letters of release needs to be sighted or produced.

This policy of Focus Language School is to ensure that it does not enrol any transferring international student prior to the 6 months of their principal course being completed unless that student has a valid letter of release agreeing to such a transfer and the following procedures will be implemented.

The following procedures have been separated into ***“Students transferring from other registered providers”*** and ***“Students requesting a transfer to another registered provider”***.

Any requests that are received in relation to a student wishing to transfer education providers shall be the responsibility of the Focus Language School’s Administration (ADM) department. Administration (ADM) department will assess the applications to transfer education providers approve or deny the application based on the following procedure.

## STUDENTS TRANSFERRING FROM OTHER REGISTERED PROVIDERS

The following procedure is relevant to any student who applies for a course within Focus Language School and is currently studying on-shore with another registered provider.

For this procedure to be completed the applicant must provide a copy of their Student Visa and appropriate student number (to look up PRISMS). Once this information is obtained the following steps are taken:



To enrol, the applicant has to complete in Focus Language School's application form and submit that with relevant documents including their previous academic qualifications, IELTS result, passport with valid student visa & Health Cover (OSHC is our preferred supplier). Once the application is received it is processed and a Letter of Offer will be created if the application is successful. Once the application is received:

1. Staff member of the Administration (ADM) department accesses the student's information via PRISMS. They are to ascertain if the length of studies completed in their current Principle course of study is greater than 6 months. In completing this process they would print a copy of the PRISMS record and attach this to the student application.
2. Where a student has NOT completed 6 months of their principle course of study, they are asked to provide an appropriate letter of release in support of their application.
3. To support the application they can be provided with a 'Conditional' Letter of Offer which clearly states that an offer of a place is contingent on their obtaining a letter of release. Note: If they are in receipt of a Government scholarship, they should provide written support from the government department agreeing to the change which will stand in lieu of any letter of release.
4. If such a letter of release is received the admission application proceeds.
5. If no satisfactory letter of release is obtained from such applicant, the application process is halted and the applicant is informed that they are unable to transfer at this time. They are welcome to apply again, when they have completed 6 months of their principal course.
6. Note that in the very rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the Australian government which do not allow the student to continue with the course or any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change, no letter of release is required. Evidence of this would need to be placed in the student file.
7. A letter of offer will require input from the Academic Department (ACA) as to the course commencement date of any applicant that is enrolled. This ensures that course dates correspond with classes being offered by the Focus Language School.

## **STUDENTS REQUESTING A TRANSFER TO ANOTHER REGISTERED PROVIDER**

1. Students must have a letter of offer from another registered provider; and can make a written request on the "REQUEST FOR RELEASE LETTER FORM (STD-FOR21)" form for the letter of release to transfer to another provider. FOCUS will grant the transfer request where it is in the student's best interests, including
  - a. the student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the FOCUS intervention strategy to assist



the student (FOCUS notes the report on the overseas student's course progress should occur even if the transfer request is granted).

- b. b. there is evidence of compassionate or compelling circumstances
- c. FOCUS fails to deliver the course as outlined in the written agreement d. there is evidence that the student's reasonable expectations about their
- d. current course are not being met
- e. e. there is evidence that the student was misled by FOCUS or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives
- f. f. an appeal (internal or external) on another matter results in a decision or recommendation to release the student.

## 2. Other circumstances in which a transfer may be granted are:

- a. FOCUS fails to deliver the course as outlined in the written agreement;
- b. there is evidence that the student's reasonable expectations about their current course are not being met (such as correspondence between the student and FOCUS or marketing materials given to the student prior to enrolment, and setting particular expectations about the course);
- c. there is evidence that the student was misled by FOCUS or an education or migration agent regarding FOCUS or its course, and the course is therefore unsuitable to their needs and/or study objectives.
- d. an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

## GROUNDS FOR DECLINING REQUESTS FOR TRANSFERS

FOCUS considers the following to be reasonable grounds to refuse the transfer request;

- a. Students not genuinely engaging with an intervention strategy with the intention of failing and being released
- b. The transfer may jeopardize the student's progression through a package of courses.
- c. Valid letter of offer has not been received by the student
- d. Reasons for requesting transfer primarily relate to enhancing permanent resident opportunities, reduction in



attendance requirements at the new institute or current timetable interferes with work arrangements

- e. Transfer perceived as detrimental to student's welfare and wellbeing e.g. new institute without adequate student support services
- f. students have outstanding fees with Focus Language School

## TRANSFERS INVOLVING STUDENTS UNDER THE AGE OF 18

If the student is under the age of 18, FOCUS must have written confirmation that the student's parent or legal guardian supports the transfer. If the student does not have a parent or legal guardian caring for them in Australia, the receiving provider must also confirm it accepts

responsibility for the student's accommodation and welfare arrangements in accordance with Standard 5.

It is the responsibility of the receiving registered provider (under Standard 5) to ensure that there are no gaps in welfare arrangements. This may include agreeing to accept welfare responsibility at an earlier time.

## TRANSFER REQUESTS AND PACKAGED COURSES

If a transfer will affect the start dates of any subsequent courses covered by the visa, the student must be released from those courses, or gain the subsequent registered providers' agreement to delay the start of those courses.

FOCUS advises students that changes to their preliminary courses may have ramifications for their admission to their principal course, for example if a preliminary course is a prerequisite entry requirement to the principle course.

## TRANSFER REQUEST DECISION

FOCUS assesses and replies to the overseas student's transfer request within 20 working days. Transfer request outcomes must be recorded in PRISMS. **As such, a hard copy release letter is not required from FOCUS.**

FOCUS advises overseas students of the outcome of the transfer request via email and encourages the student to consider whether a change in enrolment breaches a visa condition by referring to the Department of Immigration and Border Protection's (DIBP) website at: <https://www.border.gov.au/Trav/Stud/More/Changing-courses>.

If FOCUS decides to refuse a release, it must not finalise the student's refusal status in PRISMS until:

- a. any appeal against the refusal lodged by the student is finalised and upholds the decision not to release the student; or
- b. the student did not access the FOCUS complaints and appeals processes within 20 working days of being notified of the refusal; or



- c. the student withdraws their appeal against the refusal.

FOCUS must also notify the student in writing the reason for refusing the transfer request and the student's right to access FOCUS complaints and appeals process within 20 working days. FOCUS maintains records of student transfer requests for two years after the student ceases to an enrolled student.

The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the REFUND POLICY AND PROCEDURE (P&P-independent of this policy).

## COMPLAINTS AND APPEALS PROCESS

Should an application for transfer be refused by Focus Language School, or the student does not agree with the decision made by Focus Language School, the student has the right to access the Focus Language School's COMPLAINTS AND APPEAL POLICY AND PROCEDURE (P&P-002). Students are able to access the COMPLAINTS AND APPEAL POLICY AND PROCEDURE (P&P-002) within 20 working days of a decision if they feel that the decision is unfair or they have other grounds to appeal the decision, in accordance with Focus Language School COMPLAINTS AND APPEAL POLICY AND PROCEDURE (P&P-002). The timeframe for handling appeals is detailed in Focus Language School COMPLAINTS AND APPEAL POLICY AND PROCEDURE (P&P-002).

## COMPASSIONATE OR COMPELLING CIRCUMSTANCES

'Compassionate or compelling' circumstances are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These could include, but are not limited to:

- a. serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes
- b. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
- c. • major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or
- d. a traumatic experience, which could include:
  - a. involvement in, or witnessing of a serious accident; or
  - b. witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports)
- e. where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol; or



- f. inability to begin studying on the course commencement date due to delay in receiving a student visa.

When determining whether compassionate or compelling circumstances exist, FOCUS considers documentary evidence provided to support the claim, and keeps copies of these documents in the student’s file.

## VERSION CONTROL TABLE

*The following table is NOT a part of the policy and can be updated from time to time without affecting the version of the document.*

Related Documents				Version Control	
1. COMPLAINTS AND APPEAL POLICY AND PROCEDURE (P&P-002) 2. REFUND POLICY AND PROCEDURE (P&P-036) 3. REQUEST FOR RELEASE LETTER FORM (STD-FOR21) 4. Letter of Release (LET-02)				<ul style="list-style-type: none"> <li>V1.0 June 2020 Document Created</li> </ul>	
Teamwork PM Task List					
Task#	Task Name	Task List	Project	Frequency	Task Description
Document Location					

