

Institution	Collins Academy
Policy Name	Student Transfer Policy
Policy Number	CPPS04
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Version No.	V 2.0
References:	ESOS Act 2000 The National Code 2018. Standard 7

1. Purpose

The purpose of this policy is to ensure that overseas students wishing to transfer between registered training providers do so in accordance with The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as ‘the National Code 2018’ Standard 7

This policy and the related procedure provide a documented process for assessing requests for the Transfer of Provider. By following this policy and procedure, COLLINS ACADEMY safeguards against knowingly enrolling an overseas student prior to them first completing at least six months of their principal course, with the exception of those meeting specified criteria and in certain circumstances as detailed herein

2. Policy

COLLINS ACADEMY will at all times aim to keep the best interests of the student paramount in determining any transfer request.

As a registered education provider on the **Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)**, COLLINS ACADEMY is bound by the National Code and in particular Standard 7 relating to the Transfer of Students between Registered COLLINS ACADEMYs, the ESOS Act and the requirements of the Australian Department of Home affairs (DHA).

COLLINS ACADEMY must not knowingly enrol a student wishing to Transfer from another registered provider prior to the learner completing at least six calendar months of their principal program of study, except in limited circumstances listed below.

For learners requesting to Transfer to another provider prior to completing six months of their principal course, COLLINS ACADEMY is entitled to determine the circumstances in which it will provide or refuse to provide a release letter together with the evidence it may require to make such a decision.

Learners must co-operate with COLLINS ACADEMY staff to assist in making any determination and must attend any interviews when requested to do. This may include a request to meet with welfare staff as COLLINS ACADEMY requires.

All decisions will be communicated in writing to the learner within 10 working days of the application being lodged at reception.

3. Scope

This policy outlines the circumstances in which COLLINS ACADEMY will assess Transfer of Provider requests in accordance with the National Code. COLLINS ACADEMY will assess each request on an individual student basis, considering all supporting documentation of the request. This procedure relates to all international students at COLLINS ACADEMY.

4. Definitions

Compassionate or compelling circumstances: Circumstances generally out of the control of the learner which will have a negative impact on the learner's ability to progress in their course or their wellbeing.

DHA: Australian Department of Home Affairs

ESOS Act: The Education Services for Overseas Act 200 (cth) as amended from time to time.

International Student: students with an international passport with a Student Visa issued by the Department of Immigration and Border Protection

National Code: The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.

Principal course: The principal course of study is the highest qualification (normally the last course) covered by the student's visa. Standard 7 also applies to all courses of study prior to the student's principal course.

PRISMS: Provider Registration and International Student Management System used to interface and process learner information between DHA and the COLLINS ACADEMY.

Six months of principal course: This means completion of six calendar months of the principal course of study from the date that the student commences that course.

Transfer IN: Process of a student transferring into COLLINS ACADEMY from another educational provider.

Transfer OUT: process of student transferring to another education institution from COLLINS ACADEMY.

5. General Information

All student visas are granted with the 'No Change of Provider' condition. In general, a learner is expected to stay at the COLLINS ACADEMY at which they were originally registered. Specifically, it means that an international student must stay with COLLINS ACADEMY for at least the first 6 months of their principal course. If the student is enrolled in a package of courses, they must stay with the institute for the length of the prerequisite courses, and then the first 6 months of the main course.

In addition, COLLINS ACADEMY will not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course.

Students are reminded that consideration for granting a Student Visa in the first place by DHA included a consideration of whether the applicant was a "Genuine Temporary Entrant"¹. Students who fail to live up to their declared primary driver of improving themselves through education are at risk of having their visa cancelled.

6. Transfer from another Provider

- 6.1 To be considered for enrolment at COLLINS ACADEMY, a learner who wishes to leave another education provider may be issued with a conditional letter of offer. This requires the applicant to have Release granted from their current provider or to demonstrate that they have completed at least 6 months of their principal course of study.
- 6.2 Once the Release granted has been sighted on PRISMS then the enrolment may be processed in the normal .
- 6.3 COLLINS ACADEMY will do nothing to encourage a learner to move away from their current provider unnecessarily or in a way that might be to the detriment of the student (either educationally or for their welfare).
- 6.4 Applicants will not be required to meet the six-month rule or have a Release granted when:
- the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
 - the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
 - the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
 - any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change

7. Transfer to another Provider

- 7.1 Prior to applying for transfer, learners should be encouraged to read this policy and associated procedure in full.
- 7.2 Learners wishing to transfer to another institution must apply in writing for a letter of release using the Release Letter Request Form.
- 7.3 In addition the learner must provide any additional evidence required. This may include (depending upon the circumstances):
- i) Valid enrolment offer letter from another registered provider
 - ii) Additional documentary evidence of reasons for change (e.g. how change of course would benefit the learner)
 - iii) Medical or other evidence as appropriate

7.4 The Training Manager will immediately contact the finance department and the relevant Student Support Officer to confirm that:

- i) there are no outstanding fees owing to COLLINS ACADEMY
- ii) there are no issues relating to course work, course progress and or attendance relating to the learner.

7.5 The learner must cooperate with the Training Manager/Officer by providing additional information or attending meetings as requested.

7.6 The Training Manager must consider the request and provide a written response to the request within 10 working days of the Form and evidence being received. If additional information is requested, then the determination will be made within 10 working days of receipt of that evidence.

7.7 In reviewing an application to Transfer OUT from COLLINS ACADEMY the following factors will be considered:

- i) Is the request to transfer away from COLLINS ACADEMY in the best interests of the student - for example is the intended course at the same level or higher than that currently being undertaken or is it lower – if so why?
- ii) Has the learner given due consideration, with valid reasons explaining why they have chosen a different study / career path
- iii) Has the student presented a valid enrolment offer letter of offer from another training institution?
- iv) Has the student paid all fees or other charges that are due according to COLLINS ACADEMY Fees and Charges policy
- v) Is the learner trying to avoid disciplinary or other action being taken against them?
- vi) Are they currently under a support arrangement for not meeting the Course Progress requirements?
- vii) Is the learner trying to avoid being reported to DHA for failure to meet attendance or course progress requirements?
- viii) If the requested transfer is to a course at a lower level than currently being undertaken then is the student currently enrolled on a course beyond their capabilities or are they failing to meet course progress requirements despite their best endeavors
In these cases the International Training Manager may seek feedback from the CEO prior to making a decision. This may lead to the learner being asked to meet with the COLLINS ACADEMY CEO before their feedback is given.

If the Training Manager is satisfied with the above requirements, then the **Transfer OUT/release letter is provided based on:**

- i) Compassionate and Compelling grounds if enough evidence is provided e.g., medical documents or related documents. The learner must be prepared to provide supplementary evidence or for others involved to be asked to corroborate the request.
- ii) COLLINS ACADEMY fails to deliver the course as outlined in the offer letter.
- iii) Evidence from the learner when the course expectations are not met. In which case the Academic manager will investigate case by case.
- iv) If internal or external appeal recommends release letter.

7.8 Transfer Out requests **will not be granted** if any of the following are true:

- i) Outstanding fees due to COLLINS ACADEMY.
- ii) There is any disciplinary or other process in place – e.g., an Intervention Plan based on not meeting course progress requirements (see Course Progress, attendance and course duration Policy), or disciplinary procedures on going. Student can do internal or external appeal.
- iii) The request is based on a trivial request e.g., “my friend studies at another college”
- iv) Required evidence (including supplementary evidence requested) is not provided to adequately support the request.
- v) COLLINS ACADEMY honestly believes that granting the request would be detrimental to the student.
- vi) Learner is mis-led by the agent regarding COLLINS ACADEMY course or its suitability. In this case, the learner will be given the option to select from the list of the offered courses by COLLINS ACADEMY that would be suitable for the learner.

8. Notification of Transfer Request Outcome

8.1 The Training Manager will provide the applicant with a written determination within 10 working days of the receipt of their request form.

8.2 This response may be sent to either their last recorded home address in Australia or via email to their registered email address.

8.3 The response is to include the following:

- i) The **decision** to provide a Letter of Release or not.
- ii) If the request has been **denied** then:
 - a) Detailed reasons as to why the request has been denied. These should detail the specific circumstances and reasons for the refusal.

- b) Advising the overseas student's right to access the provider's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
 - c) Details of any evidence that was NOT provided e.g., enrolment offer Letter, or evidence to support compelling reasons request.
 - d) Details of the appeals process and how to access it.
- iii) If the request has been **accepted** then COLLINS ACADEMY will document:
- a) how the learner may grant their Release,
 - b) the date on which the enrolment will be cancelled,
 - c) how cancellation of their enrolment may affect their visa by:
 - (a) informing Department of Home Affairs (DHA) via PRISMS of the learner ceasing to be enrolled and why, and
 - (b) cancelling their current and future (if any) eCoE relating to COLLINS ACADEMY, and
 - (c) provide information to the student that they should contact DHA to seek advice on whether a new student visa is required.

9. Administration

- 9.1 Where a release letter has been granted, the Admissions Department will submit a course variation through PRISMS using the 'transferred to another provider variation'. A copy of course variation is to be placed in students' file.
- 9.2 Where a release has been granted, it will be issued at no cost to the student. The letter will contain information relating to the student's need to contact DHA to seek advice on whether a new student visa is required.
- 9.3 COLLINS ACADEMY will retain records of all requests from students for a letter of release and the assessment of, and decisions regarding, the request on the students file in accordance with the Records Management Policy.

10. Appeal Process

If the learner appeals against a decision to refusal a Letter of Release, the appeal shall be heard by the CEO or his appointed delegate who shall not be the Admissions Manager/officer in accordance with the Complaints and Appeals Policy.

11. Responsibility

Training Manager

Admission Manager

12. Related Documents

- Transfer Request Form
- Release letter denial letter
- Release letter granted letter
- Complaints and Appeals policy