

Policy Name:	Deferring, Suspending, Cancelling
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Approved by:	Academic Director
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Audience:	Charlton Brown Staff; Charlton Brown Students
Contact Officer:	Academic Coordinator
Related Documents:	Charlton Brown Refund Policy. Complaint Handling and appeals Policy
Legislation:	Standard 9 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 ESOS Act 2000

1.0 Scope

This policy applies to all overseas students enrolled with Charlton Brown’s courses of study and outlines the process for assessing and documenting requests for deferral, suspension or cancellation of studies, in line with obligations under Standard 9 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

2.0 Policy

All overseas students will be provided with a copy of this policy prior to enrolment in order to inform of the basis on which applications for deferral, suspension or cancellation of studies will be assessed. This policy also outlines the circumstances in which a College initiated suspension or cancellation of a student’s enrolment will be managed. This policy is also available on the College website. Attendance monitoring will not be conducted during approved deferred or suspended periods of an overseas student’s enrolment.

3.0 Definition

Deferral: Application for a deferral is when a student makes the decision to postpone or put off their course **BEFORE** it commences

Suspension: Suspension applies when a student needs to put their studies on hold **DURING** their course. A student may apply for a suspension of their studies due to compassionate or compelling reasons. the College can also suspend a student’s studies due to student misconduct.

Cancellation: Cancellation applies to a student seeking to terminate their enrolment and permanently withdraw from their course of study. The College can also make the decision to cancel a student’s enrolment on the basis of misconduct or breach of student visa conditions.

Non- Genuine Student: Being a student who does not attend regular classes and does not progress in their course or failure to respond to any contact made by the College regarding current circumstances. Student may also be in breach of Code of Conduct, refer to College Student Code of Conduct Policy, if they are deemed as a non-genuine student. Informal Communication: Refers to verbal communication either in person or over the phone.

4.0 Definitions

An overseas student may request a deferral or suspension of their enrolment under compassionate or compelling circumstances. Compassionate and compelling circumstances may include (but are not limited to):

1. serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes
2. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
3. major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or
4. 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)
5. inability to commence course due to non-issue of visa
6. where the College was unable to offer a pre-requisite unit the College may only approve student requests for deferral or suspension of their studies (including granting a leave of absence), through formal agreement and in line with the compassionate/compelling reasons listed above.

Please note, circumstances which generally fall outside of compassionate/compelling grounds include:

- a. Travel & employment opportunities
- b. Family or customary obligations such as weddings
- c. Relationship problems
- d. Financial difficulties

All Deferral, Suspension or Cancellation requests **must be made in writing by submitting the Enrolment Variation Form and must be accompanied by evidence/documentation supporting the reason for the request** (e.g. medical certificate, death certificate, doctor's report etc). An application for suspension or deferral cannot be assessed without the applicable documentation.

Requests will be assessed and responded to within 10 working days. In the case of a student requesting cancellation, the following applies:

1. If a current student seeks to cancel their course and return permanently to their home country, the student will be requested to provide the following:
 - a. Enrolment Variation Form
 - b. Copy of Flight Ticket
 - c. Email to DHA to voluntarily cancel their student visa (copy of the email to be sent to Charlton Brown College on info@charltonbrown.com.au).
2. If a current student whose visa subclass has changed or if a current student's visa extension is refused and student does not intend to study further at the College, such student must submit.
 - a. Enrolment Variation Form
 - b. Copy of the new Visa/ copy of visa refusal notice. If the student's application is approved, College will:
 - c. Advise the student of the decision in writing, along with informing the student that any amendment to their enrolment (including cancellation), may affect their student visa and recommend they seek advice from the Department of Home Affairs.

- d. If the period of suspension or deferral does not impact the completion date specified on the student's CoE, the student's CoE will not be amended or re-issued, however, the period of deferral/suspension will still be recorded in PRISMS.
 - e. If the period of suspension or deferral impacts the commencement or completion date of the CoE, the Department of Education and Training will be notified via PRISMS, the original CoE will be cancelled and re-issued with applicable dates amended as per revised commencement and/or completion dates.
 - f. In the event of the cancellation of an overseas student's enrolment, the College will notify the Department of Education and Training via PRISMS and complete the internal processes in relation to course cancellation, including if applicable, issuance of statement of attainment.
 - g. In accordance with Standard 5.6 of the National Code 2018, should a suspension or cancellation be actioned for an overseas student under 18 years of age (regardless of whether it is student initiated or College initiated), the College will continue to maintain responsibility for the welfare arrangements of the student until:
 - i. the student has alternative welfare arrangements approved by another registered provider
 - ii. care of the student by a parent or nominated relative is approved by Immigration
 - iii. the student leaves Australia
 - iv. the registered provider has notified Immigration under Standard 5.3.6 that it is no longer able to approve the student's welfare arrangements or under Standard 5.5 that it has taken the required action after not being able to contact the student.
3. If a student informally communicates to the College about their intention to cancel their enrolment, Student Services will advise the student that for legal reasons, student must notify the college in writing of their intention to cancel by filling an enrolment variation form.
- a. Following the conversation with the student, the student services team shall also email the student about the same with the enrolment variation form to be filled and submitted to the College.
 - b. At this point the Academic Director will be notified of the impending cancellation so that the student's trainer/s report immediately should the student cease attending the required scheduled classes.
 - c. As such, students who advise the College about their intention to cancel their enrolment, but have not provided formal written advice of their intention to cancel/cease their study earlier and have ceased attending class, will then be sent a **Warning letter** – Non Genuine Student after they missed no more than 5 consecutive scheduled days of classes to advise them that such action may deem them as a **non-genuine student (please refer to section 3 of this policy for definition of non-genuine student)** and advise the student to revert within 7 days.
 - d. If the student does not respond to the **Warning letter** – Non Genuine Student or make any attempts to contact the College, the College will implement and send the student a Notice of Intention to Report- non-genuine Student (letter for the cancellation of their enrolment on the grounds of them not being a genuine student, which could impact their visa status
 - e. Student will have 20 working days to lodge an appeal from the date of the NOITR letter issued.

- f. If the student fails to lodge an appeal, the student will be reported via PRISMS after the 20 working days have lapsed.

All communication with the student shall be recorded in aXcelerate (Student Management System) for audit purposes.

For students under 18 years of age, a reporting timeframe of 14 days must be applied to all scenarios above from the time the student ceases attending classes.

Students dissatisfied in relation to decisions made in regard to the outcome of an application for suspensions, deferral or cancellation of studies, may appeal against the decision, with the appeal to be lodged within 20 working days of the date of the decision. (College Complaints Handling and Appeals Policy is available to download from the College website).

The suspension or cancellation of the overseas student's enrolment under Standard 9.3 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

4. If a current student is seeking to cancel their enrolment to transfer to another provider- apply to Charlton Browns- Transfer between Providers.
5. In all the above cases, the College will be using the date on which a student submits the enrolment variation form as the students Last Day of Study. Student Last Actual Day of Study will be the date the college receives the appropriate form and evidence signed by the student OR when the college deems the student as a non-genuine student as they have ceased attending the scheduled regular classes and are not continuing to progress in their course (**please refer to section 3 of this policy for definition of non-genuine student**)

5.0 Charlton Brown Initiated Suspension or Cancellation of an Overseas Students Enrolment

The college may suspend or cancel an overseas student's enrolment on the basis of:

- General or academic misconduct by the student (as per Student Code of Conduct Policy)
- Student's failure to pay course fees
- Breach of student's visa conditions (e.g. in relation to satisfactory progress)
- Student deemed a non-genuine student (please refer to section 3 of this policy for definition of non-genuine student)
- Failure to undertake/continue the course as detailed in the student's written agreement

In the case where the College has initiated the suspension or cancellation of a student's enrolment, a warning letter will be issued to the student on the basis of the items listed above where relevant. The student has 7 days to contact the College if they disagree with the letter. If the student has made no contact, then the College will issue to the student a Notice of Intention to Report.

The student will have 20 days in which to initiate the Complaints Handling and Appeals process. Notification on PRISMS will not occur until the result of the internal appeals process is known, unless extenuating circumstances relating to the welfare of the student apply, such as:

- The student is at risk of committing a criminal offence or is the subject of an investigation relating to criminal matters
- The student's actual or threatened behaviour poses a threat to other students
- The student has medical or psychological problems that may affect their well-being

- The student cannot be located

6.0 Procedure

Deferrals: this refers to requests to put off the start day of the course

Suspension: this refers to the student requesting to put their studies ‘on hold’, after having commenced their course.

Cancellation: complete withdrawal from the course

All Deferral, Suspension or Cancellation requests **must be made in writing by submitting the Enrolment Variation Form and must be accompanied by evidence/documentation supporting the reason for the request** (e.g. medial certificate, death certificate, doctor’s report etc.). An application for suspension or deferral cannot be assessed without the applicable documentation.

Should there be a case of extreme emergency, the student should be referred directly to the Academic Director who will then be responsible for approval/denial. In all other circumstances, where all documentation has been received, requests will be assessed and responded to within 10 working days.

Not Approved

The student must be advised in writing within 10 working days of the outcome of their application. The student will also be advised that they must continue to adhere to their attendance or progress requirements as per College policy and their visa conditions.

Approved:

Any amendment to a student’s enrolment or CoE must be actioned through PRISMS within 31 days (14 days for students under the age of 18 years).

- Advise the student in writing of the decision, ensuring the student is informed that any amendment to their enrolment may affect their student visa and that it is recommend they seek advice from the Department of Home Affairs.
- Deferral – original CoE to be cancelled and re-issued via PRISMS with applicable dates amended as per revised commencement and completion dates

Version History				
Review Period:		2 years from date of last approval		
Version Number:	Approved by:	Approval Date:	Effective Date:	Sections Modified:
D1				New policy developed April 2022
1.0	Academic Director	May 2022	May 2022	Updated template