

PURPOSE:

1. To provide a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student's file of the assessment of the application.

COMPLIANCE:

This policy & procedure aligns and relates to:

- Education Services for Overseas Students Act 2000 (ESOS Act)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018¹ (National Code)
- National Vocational Education and Training Regulator Act 2011 and 2012 (NVR Act), including the Standards for Registered Training Organisations (RTOs) 2015 (Standards for RTOs).
- ASQA Factsheets for classroom attendance and progression requirements for overseas students. ELICOS Standards 2018.
- PCBT Course Progress Policy & Procedure².
- PCBT Attendance Monitoring Policy & Procedure³.

SCOPE:

2. Perth College of Business & Technology may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

This policy outlines Perth College of Business & Technology procedure for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student in accordance with the requirements of the National Code and ESOS Act.

DEFINITIONS:

Deferral: means to delay the commencement of a course.

Suspension: means to temporarily delay the enrolment once the course has commenced.

Cancellation: means the cessation of an enrolment on a course.

Misbehavior: is defined as students who display unacceptable behavior in accordance with the Student Handbook and Code of Conduct.

¹ <https://internationaleducation.gov.au/regulatory-information/Documents/National%20Code%202018%20Factsheets/Standard%209.pdf>

² [https://pcbt.wa.edu.au/downloads/PCBT Course Progress Policy & Procedure](https://pcbt.wa.edu.au/downloads/PCBT%20Course%20Progress%20Policy%20&%20Procedure)

³ [https://pcbt.wa.edu.au/downloads/PCBT Attendance Monitoring Policy & Procedure](https://pcbt.wa.edu.au/downloads/PCBT%20Attendance%20Monitoring%20Policy%20&%20Procedure)

Compassionate or Compelling circumstances: is defined as circumstances beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- illness or injury, where a medical certificate states that the overseas student was unable to attend classes;
- bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies;
- a traumatic experience, which could include: o involvement in, or witnessing of a serious accident; or o 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)
- 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.
- Inability to begin studying on the course commencement date due to delay in receiving a Student VISA.
- These are only some examples of what may be considered compassionate or compelling circumstances.

PROCEDURE:

PERTH COLLEGE OF BUSINESS & TECHNOLOGY INITIATED

3. In accordance with the National Code, Perth College of Business & Technology can defer or temporarily suspend a student's enrolment on the grounds of:
 - a) Compassionate or compelling circumstances, or
 - b) Misbehavior by the student
4. In addition to a deferment or temporary suspension, Perth College of Business & Technology may cancel a student's enrolment on the grounds of:
 - a) Serious misbehavior by the student.
 - b) Failure to comply with the Offer of Terms as outlined in the Letter of Offer for Course Progress, and any formal warning issued by Perth College of Business & Technology against these processes, and
 - c) The non-payment of course fees in accordance with the Offer of Terms as outlined in the Letter of Offer and Payment Schedule.
 - d) a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
 - e) Student passively withdrawn from the provider by not commencing the term within the first 2 weeks of each term (quarterly) and are no longer enrolled. This is

deemed as 'Student notified cessation of studies' with no appeal right.⁴

5. In any given situation that leads to a deferment, temporary suspension or cancellation of studies, instigated by Perth College of Business & Technology, formal written notification will be provided to the student. In turn, the student shall have 20 working days to access Perth College of Business & Technology's Internal Complaints and Appeals process.

The deferment, temporary suspension or cancellation of studies cannot take effect until the Internal Complaints and Appeals process has been completed, unless extenuating circumstances relating to the welfare of the student apply.

- a) In the case of students under the age of 18, a copy of the formal notification will be forwarded to the Parent or Legal Guardian and a resolution formulated.
6. At the completion of the complaints and appeals process, should the deferment, temporary suspension or cancellation of studies be upheld by the complaints and appeals hearing, Perth College of Business & Technology will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

Misbehavior

7. To ensure all students receive equal opportunity to gain the maximum benefit from their training, any person(s) displaying the following dysfunctional or disruptive behavior may be asked to leave the session and/or the course.

Examples of unacceptable behavior include but are not limited to the following:

- a) Continuous interruptions of the trainer.
- b) Smoking in non-smoking areas.
- c) Being disrespectful to other participants.
- d) Harassment by using offensive language.
- e) Sexual harassment.
- f) Acting in an unsafe manner that places themselves and others at risk.
- g) Refusing to participate when required, in group activities.
- h) Continued absence or late arrival at required times.

STUDENT INITIATED

8. In accordance with the National Code, student's may through formal agreement with Perth College of Business & Technology, be given permission to defer commencement, temporarily suspend their studies during the course or be granted a leave of absence. This may only occur on the grounds of:

⁴ Policy: You have passively withdrawn from the provider and are no longer enrolled, the provider needs to cancel the student's CoE by reporting 'Student notified cessation of studies'. The provider should try to contact the student but they do not need to give them 20 days in which to appeal the decision, as this is deemed to be a student-initiated cancellation of the student's enrolment. Under Standard 9.4 of the National Code, only provider-initiated cancellations require the student to be given the opportunity to access the internal complaints and appeals process.

- a) Compassionate or compelling circumstances, or
- b) Student VISA delay

9. In addition to a deferment or temporary suspension, student may cancel a student's enrolment on the following scenarios:

- a) Student is no longer willing to study at Perth College of Business & Technology and withdraw from the course/s.
- b) Student passively withdrawn from the provider by not commencing the term within the first 2 weeks of each term (quarterly) and are no longer enrolled. This is deemed as 'Student notified cessation of studies' with no appeal right.⁵

Deferral Procedure

10. Applications for deferral of the commencement of the course must be made by completing a Change of Enrolment (CoE) Application Form with any additional evidence and submitting it to Perth College of Business & Technology Admissions Staff prior to the course commencing.
- a) The Change of Enrolment (CoE) Application Form can be submitted via Email, Mail or in Person.
 - b) Email address: sso@pcbt.wa.edu.au & faizan@pcbt.wa.edu.au
11. Once Perth College of Business & Technology has processed the deferral request, the student will receive a written correspondence of the outcome.
- a) An updated Confirmation of Enrolment letter and Enrolment Agreement will be provided to reflect the new Individual Education Plan (IEP).
 - b) Perth College of Business & Technology will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

Suspension Procedure

12. Applications for Suspension of enrolment must be made by completing a CoE Application Form with any additional evidence and submitting it to Perth College of Business & Technology Student Support Officer.
- a) Applications must be received at least 10 working days prior to the requested Suspension date.
 - b) Applications received less than 10 working days prior to the requested Suspension date will not be processed.
 - i. In the event of an emergency situation requiring Suspension, the submission timeline of 10 working days may be waived by the Perth College of Business & Technology.

⁵ Policy: You have passively withdrawn from the provider and are no longer enrolled, the provider needs to cancel the student's CoE by reporting 'Student notified cessation of studies'. The provider should try to contact the student but they do not need to give them 20 days in which to appeal the decision, as this is deemed to be a student-initiated cancellation of the student's enrolment. Under Standard 9.4 of the National Code, only provider-initiated cancellations require the student to be given the opportunity to access the internal complaints and appeals process.

13. Once Perth College of Business & Technology has processed the Suspension request, the student will receive a written correspondence of the outcome.
 - a) Perth College of Business & Technology will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

Cancellation Procedure

14. Applications for cancellation of enrolment must be made by completing a Change of Enrollment (CoE) Application Form with any additional evidence and submitting it to Perth College of Business & Technology Student Support Officer.
 - a) The Change of Enrollment (CoE) Application Form can be submitted via Email, Mail or in Person
 - b) The Student Support Officer will then check all information is attached and send the cancellation to Admissions Manager for processing.
15. Once Perth College of Business & Technology has processed the Cancellation request, the student will receive a written correspondence of the outcome from Admissions Manager.
16. Once the Cancellation has been processed, Perth College of Business & Technology will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.
 - a) However, if student is intending to enrol in another college or university in Australia must submit a request for Release/Transfer of Provider Application along with a copy of Letter of Offer from receiving provider to PCBT Admissions Manager for assessment.
 - b) If the request is denied, then the student may appeal the outcome in accordance with the Complaints and Appeals Policy.

GUIDELINES AND IMPLICATIONS OF SUSPENSION OR CANCELLATION

17. Should a student enrolment be temporarily suspended for a period of 28 days or longer, the student must return home, unless special circumstances exist.
18. Students are to be made aware that:
 - a) Students can only temporarily suspend enrolment for a maximum period of six months,
 - b) Deferral, Suspension or Cancellation of enrolment may affect the student's VISA, and
 - c) If the enrolment is suspended for a period greater than six months, the student's visa may be cancelled by DHA.

ROLES AND RESPONSIBILITIES

19. All documentation relating to deferment, temporary suspension or cancellation of studies will be held in the student's file and managed by Student Support Officers.
20. In addition, any discussions with the student and relevant staff members relating to the deferment, temporary suspension or cancellation of studies will be recorded and placed as minutes in the student's file as well as being noted in the Student Management System.

REPORTING PROCESS

Perth College of Business & Technology Initiated

- a) Perth College of Business & Technology staff member completes and submits a Change of Enrollment (CoE) Application Form with any supporting evidence to Perth College of Business & Technology Student Support Officers.
- b) Student Support Officers record the Change of Enrollment (CoE) Application Form in the appropriate Register and then forward the form to the Academic Manager.
- c) Academic Manager will then assess the requested action and evaluate any supporting evidence and ensure PCBT policies and procedures have been followed and then forward all documents to Admissions Manager.
- d) Admissions Manager will inform the student of the decision and intended course of action along with the student's right to appeal the decision in accordance with the Complaints and Appeals Policy.
 - i. At the completion of the complaints and appeals process, should the deferment, temporary suspension or cancellation of studies be upheld by the complaints and appeals hearing, or 'extenuating circumstances relating to the welfare of the student apply', then Perth College of Business & Technology will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.
- e) SSO will place all documents on the student's file and record the result in the Student Management System.

Student Initiated

- a) Student completes and submits a Change of Enrollment (CoE) Application Form with any supporting evidence to Perth College of Business & Technology Student Support Officer.
- b) Student Support Officer record the Change of Enrollment (CoE) Application Form in the appropriate Register and then forward the form to the Academic Manager.
- c) Academic Manager will then assess the request and evaluate any supporting evidence, taking into account the current circumstances of the student against PCBT policy & procedures.
- d) Academic Manager will forward to Admissions Manager who will then respond in writing to the student to confirm the decision.
 - i. The student has the right to appeal the decision in accordance with the Complaints and Appeals Policy.
- e) SSO will place this letter on the students file and to record the outcome within the Student Management System.

APPENDIX

National Code

[Standard 9: Deferring, suspending or cancelling the overseas student's enrolment](#)

Standard 9⁶

Deferring, suspending or cancelling the overseas student's enrolment

- 9.1 A registered provider must have and implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.
- 9.2 A registered provider may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.
- 9.3 A registered provider may suspend or cancel a student's enrolment including, but not limited to, on the basis of:
- 9.3.1 misbehaviour by the student
 - 9.3.2 the student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement
 - 9.3.3 a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
- 9.4 If the registered provider initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the registered provider must:
- 9.4.1 inform the overseas student of that intention and the reasons for doing so, in writing
 - 9.4.2 advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
- 9.5 When there is any deferral, suspension or cancellation action taken under this standard, the registered provider must:
- 9.5.1 inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa
 - 9.5.2 report the change to the overseas student's enrolment under section 19 of the ESOS Act.
- 9.6 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.

⁶ https://www.legislation.gov.au/Details/F2017L01182/Html/Text#_Toc487026959