

DEFERMENT, SUSPENSION OR CANCELLATION POLICY
RELEVANT STANDARD(S):

National Code of Practice for Providers of Education and Training to Overseas Students 2018	Standard 9 Deferring, suspending or cancelling the overseas student's enrolment <ul style="list-style-type: none"> ▪ Clause 9.1 – 9.6
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PURPOSE

Vigil English College adheres to the relevant requirements outlined in the National Code of Practice for Providers of Education and Training to Overseas Students 2018 for the delivery of training services to international students.

This policy ensures that Vigil English College properly assesses, approves, and records student deferrals, suspensions, and/or cancellations. Likewise, it ensures that Vigil English College appropriately manage the enrolment of their overseas students and ensure all necessary information about enrolments has been provided to the relevant government department by maintaining updated information in the Provider Registration and International Student Management System (PRISMS) database

POLICY PRINCIPLES

An overseas student's enrolment can be deferred, suspended or cancelled. This may be initiated by either the overseas student for compassionate and compelling circumstances, or the registered provider for an overseas student's breach of visa conditions, failure to pay fees, misbehaviour, or other condition listed in a registered provider's policy.

Vigil English College will manage the enrolment of overseas students and maintain up-to-date enrolment information in the Provider Registration and International Student Management System (PRISMS) database. To ensure compliance with the requirements of the standards Vigil English College will:

1. implement its documented policy and procedure for assessing, approving and recording a deferral, suspension or cancellation of study
2. notify overseas students in writing of the intention to suspend or cancel their enrolment
3. provide advice to the overseas student to contact Department of Home Affairs on the potential impact on their visa if enrolment has been deferred, suspended or cancelled
4. not finalise a suspension or cancellation of enrolment until the overseas student has been given a chance to complete the internal appeals process if the college, unless the student's wellbeing, or the wellbeing of others, is likely to be at risk

Vigil English College will ensure it follows the following policy principles:

1. Vigil English College will notify overseas students that deferring, suspending, or cancelling their enrolment on any grounds may affect their student visa. Including the three possible outcomes under the National Code:

- a. Suspension or deferment notification through PRISMS for a period **without affecting the end date of the Confirmation of Enrolment**. There will be no change to the Confirmation of Enrolment on PRISMS – the overseas student will still be listed as studying. However, the notice of deferment or suspension will be recorded in PRISMS.
- b. Suspension or deferment notification through PRISMS for a period **which will affect the end date of the Confirmation of Enrolment**. In this case, PRISMS will cancel the original Confirmation of Enrolment and immediately offer the registered provider the opportunity to create a new Confirmation of Enrolment with a more appropriate end date. If the registered provider does not know when the overseas student will return, it can choose not to create a new Confirmation of Enrolment at that point, but to wait until the overseas student has notified the registered provider of the intended date of return before creating a new Confirmation of Enrolment.
- c. Notification to the Department of Education and Training through PRISMS that the college wishes to permanently cancel (terminate) the overseas student's enrolment. Once this process is complete, the overseas student's Confirmation of Enrolment status will be listed as 'cancelled'.

Note: If the overseas student is under the age of 18, the cancellation of a Confirmation of Enrolment does not cancel a Confirmation of Appropriate Accommodation and Welfare (CAAW), and the registered provider is still responsible for welfare arrangements until one of the conditions of Standard 5.6 are met.

2. Vigil English College does not include the period of suspension or deferment of enrolment in its attendance monitoring calculations.
3. Vigil English College assess requests from students for deferral, suspension, or cancellation of their enrolment. The College considers compassionate and compelling circumstances as outlined in this policy. At the same time the management implements their professional judgement to assess each case on their individual merits.
4. Evidence documents must support the overseas student's reason for request including when there are compelling or compassionate circumstances. Compelling or compassionate circumstances may include but is not limited to the following:
 - 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:
 - 1) involvement in, or witnessing of a serious accident; or
 - 2) witnessing or being the victim of a serious crime, and this has impacted 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.
5. Assessment of completed requests shall be completed within 7 working days from receiving a complete request. Student notification of results shall be done within 5 working days of the decision being received.
 6. For any deferral, suspension or cancellation taken under Standard 9 of the National Code 2019, Vigil English College will:
 - a. inform the student of the need to seek advice from Immigration on the potential impact of his or her student visa
 - b. report the change to the overseas student's enrolment under section 19 of the ESOS Act.

Suspensions

1. Under Standard 9 of the National Code 2018, Vigil English College defines a suspension as a period of absence in a single semester that lasts more than two consecutive weeks.
2. Vigil English College may also suspend a learner's enrolment for the following reasons:
 - a. for disciplinary measure for offensive behaviour
 - b. for failure of student to pay an amount he or she was required to pay the Vigil English College to undertake or continue the course as stated in the written agreement
 - c. breach of course progress or attendance requirements by the overseas student, in accordance with Standard 8 of the National Code 2018
 - d. when Vigil English College believes that the student has compassionate or compelling circumstances
3. If a learner's request for a suspension has been approved, it falls on him/her to make arrangements on how he/she can catch up on training and assessment activities that he/she will miss during the suspension.
4. Vigil English College advises all learners to first seek advice from Department of Home Affairs (DOHA) before requesting for a suspension of studies.
5. When Vigil English College initiates the suspension or cancellation of the student's enrolment, before suspension or cancellation is imposed, Vigil English College will
 - a. inform the overseas student in writing of its intention to suspend or cancel the enrolment and the reasons for doing so
 - b. advise the student of their right to appeal through Vigil English College's internal complaints and appeals procedure within 20 working days
6. All suspensions are reported to Department of Home Affairs (DOHA) through PRISMS and may affect the validity of their respective visas.

Deferments

1. If Vigil English College defers or suspends a student's studies for compassionate or compelling reasons, it will ensure the student visa holder has a valid Confirmation of Enrolment in PRISMS with a start date that reflects the student's intended date of return to studies.
2. There will be no maximum date implemented for a deferral under compassionate or compelling reasons, but deferral will be assessed by the management of Vigil English College.
3. Vigil English College can allow overseas students to delay the commencement of training, as long as the enrolment in a course has been approved prior to the submission of a request for deferment.
4. Enrolments can be deferred for up to one year. A learner's place in a course will only be held for a year, after which, the learner will have to submit another enrolment application. Deferments are only valid for the course that a learner is currently enrolled in.

Conditions for Suspensions or Cancellations

1. A learner's enrolment may be suspended or cancelled for the following reasons:
 - a. The student committed a major offense that warranted the cancellation
 - b. Where it becomes evident that the student has behaved improperly or provided false documentation as part of the international application and enrolment process
 - c. The learner has been absent for at least two consecutive weeks in a single semester without providing notice, and without the approval of Vigil English College.
 - d. The learner has been absent for at least two consecutive weeks in a single 20-week period without providing notice, and without the approval of Vigil English College.
 - e. The learner has failed to pay applicable course fees and has not been granted permission to pay at a later date.
 - f. If a student does not maintain satisfactory course progress in accordance with the Course Progress and Attendance Monitoring Policy for international students
 - g. If a student is considered as non-bonafide by the College. Indicators of this include:
 - 1) Academic Progression Policy clearly state that international students shall maintain 80% attendance. Students who demonstrate erratic course progress as a result of their failure to maintain regular class attendance shall have their enrolment cancelled and shall be reported to the Department of Education as non-bonafide students.
 - 2) Students that have been counselled regarding their attendance and progression, but their attendance and progression continues to be unsatisfactory without reasonable cause
 - 3) Students who don't commit to the learning intervention strategies developed to support their study

- 4) Students who attend classes but refuse to be engaged or to participate in the learning. This behaviour not only impacts on the students' own progression but the learning of other students. Examples of this include:
 - i. not submitting assignments
 - ii. not attending class when assessments are scheduled
 - iii. refusing to participate or be involved in classroom activities or group work.
 - h. Non-commencement of studies. Where the student does not commence studies in a program when they are due to commence, and they have not notified the College in writing and negotiated a later program start date
 - i. If a student who has not completed their program of study fails to return to study after a semester or holiday break and does not notify Vigil English College. This is regarded as a passive withdrawal and the students' Confirmation of Enrolment and enrolment shall be cancelled
 - j. If a student is refused a deferment as there is no evidence of compassionate or compelling circumstances, but ceases to attend classes
 - k. Student is deceased.
2. Based on the nature of the misconduct a decision shall be made on a case by case basis whether to allow the student to continue to attend class, make alternative study arrangements or to deny the student access to study opportunities while maintaining the student's enrolment. In making such a decision Vigil English College shall consider whether denying the student learning opportunities throughout the 20-working day appeal period.
 3. When a student has not completed their program of study, does not return from a semester or holiday break and has not notified Vigil English College. The student is considered to have inactively advised that they shall not be continuing their studies. Maximum period of unapproved absence is 5 business days after study recommencement. The student shall be emailed notifying of the intention to cancel enrolment. If no response is received within 3 business days Vigil English College shall notify Department of Home Affairs (DOHA) via PRISMS of the student's intention to cease studies by cancelling the student's Confirmation of Enrolment.
 4. A cancellation will only be reported to Department of Home Affairs (DOHA) via PRISMS after a learner has been given 20 working days to initiate the complaints and appeals process. This applies even if an overseas student's misbehaviour is grounds for immediate expulsion, unless there is evidence that the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. Some evidence to support this may be, but is not limited to:
 - a. refusal to maintain approved care arrangements, if they are under 18 years of age;
 - b. missing student
 - c. student has medical concerns, severe depression or psychological issues which lead the provider to
 - d. fear for the overseas student's wellbeing;
 - e. has engaged or threatens to engage in behaviour that is reasonably believed to endanger

- f. the overseas student or others; or
 - g. student is at risk of committing a criminal offence.

5. Should the student choose to access the appeals process, the student's enrolment shall be maintained until the internal appeals process is completed (and has supported the College's intention to suspend or cancel the student's enrolment) unless extenuating circumstances relating to the welfare of the student apply.

6. Vigil English College will wait for both the internal and external complaints and appeals handling process to be finalised for course progress and/or attendance breaches.

7. Students requesting for cancellation of their enrolment shall provide a written request using the **Cancellation of Enrolment Form**. Students who cite returning to home country as their enrolment cancellation reason shall not be issued with a release letter or provided with a copy of the cancelled confirmation of enrolment either at time of cancellation or at any future date

Records

Records of suspensions, deferments, and cancellations are kept in the student files of respective learners and maintained in Vigil English College's student management statement.

Vigil English College that will notify the Department of Education and Training through PRISMS for deferment or suspension decision.

MONITORING AND IMPROVEMENT

All practices related to deferments, suspensions, and/or cancellations are monitored by the Compliance Manager of Vigil English College. Areas for improvement are identified and acted upon according to the Continuous Improvement Policy.

VERSION CONTROL

Version Control Table					
Date	Summary of Modifications	Modified by	Version	Date of Implementation	Next Review Date
19/11/2021	Document creation	360RTO Solutions	v. 1.0	23/08/2022	22/08/2023

RTO INFORMATION

Document Name	Deferment, Suspension or Cancellation Policy v1.0
RTO/Company Name	Vigil English College
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CRICOS Code	04044M
Manager	Compliance Manager