

VET Student Loans Withdrawal, Cancellation, Refund and Re-credit Policy and Procedure

1. Purpose

This policy and procedure ensures the withdrawal, cancellation, refund and re-credit of a student from a VET course of study approved course is in line with requirements of the VET Student Loans Rules, the VSL Act and HESA Act.

2. Scope

This policy and procedure applies to all students that are, or would be, entitled to a VET student loan, who are studying a VET student loan approved course at RGIT Australia. It provides a framework and requirements for RGIT Australia to demonstrate compliance in meeting the regulatory and legislative standards and requirements, including the VSL Act and VET Student Loans Rules.

3. Responsibility

RGIT Australia's Student Services Manager (RTO Manager) is responsible for implementation of this procedure and to ensure that staff and students are aware of its application and procedures.

4. Definitions

AAT: Refers to the Administrative Appeals Tribunal.

Approved course: A qualification or course of study that has been approved as eligible for VET student loans.

Census date: A date by which enrolment may be withdrawn/cancelled without incurring tuition fees for the course or a part of the course.

Skill set: A single unit of competency or a combination of units of competency from a training package that link to a licensing or regulatory requirement, or a defined industry need.

Student: Refers to a person enrolled in a unit of study with RGIT Australia who is or may be entitled to a VET student loan under the VSL Act.

The HESA Act: Refers to the Higher Education Support Act 2003.

The VSL Act: Refers to the VET Student Loans Act 2016.

The Department: Refers to the Department of Education, Skills and Employment.

The Secretary: Refers to the Secretary of the Australian Department of Education, Skills and Employment.

Tuition fees: refers to fees paid by student for a VET Unit of Study that is approved for VET student loans and also applies to students who would be entitled to VET student loans under the VSL Act.

Unit of competency: The specification of the standards of performance required in the workplace.

VET course of study: means an eligible course of study in which the VET units of study forming the course meets course requirements for VET student loan tuition fees assistance.

VET Student Loans Rules: VET Student Loans Rules 2016, made under section 116 of the Act.

VET unit of study: A published unit of study, comprising of Skill Sets, that forms part of an approved course.

5. Policy

(1) Withdrawal and census dates

a. RGIT Australia will:

- i. set a census date for each VET unit of study that is no earlier than 20 per cent from the commencement to the completion of the VET unit of study;
- ii. set a minimum of 3 fee periods over the total approved course duration;

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1. A minimum of 3 census dates will be set for each approved course. The fee periods will be sequential and proportionate to the total approved course duration.
 - iii. ensure that all students are informed of the census date for each VET unit of study in compliance with and by the date prescribed in the VSL Act and the HESA Act; and
 - iv. ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance.
- b. A student who withdraws from a VET unit of study on or before the published census date will not incur a VET student loans debt for that VET unit of study. In addition, no financial or administrative penalties (fines or fees) or other barriers will apply in this situation.
- c. Where a student withdraws or cancels their enrolment from a VET unit of study, the student will not be enrolled in subsequent units without a written request from the student.
- d. A student who withdraws from a VET course of study on or before the census date is entitled to a full refund of their VET tuition fees if the tuition fees are paid up front.
- e. A student who withdraws from a VET unit of study after the published census date for that VET unit of study will incur a VET student loan debt for that VET unit of study.
- f. A student who has incurred a debt for a VET unit of study may apply to have their FEE-HELP balance re-credited for the affected VET units of study in accordance with the procedures outlined in section (6).

(2) Special circumstances

- a. Students may apply to RGIT Australia for the student's FEE-HELP balance to be re-credited under Section 68 (special circumstances) of the VSL Act because of special circumstances.
- b. Students may also apply to the Secretary for the student's FEE-HELP balance to be re-credited under Section 71 (when the Secretary may re-credit HELP balance) of the VSL Act because:
 - i. RGIT Australia, or a person acting on RGIT Australia's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
 - ii. RGIT Australia failed to comply with the VSL Act or an instrument under the Act and the failure has adversely affected the student.
- c. If a student withdraws from a VET unit of study after the census date, or has been unable to successfully complete the VET unit of study, and they believe and can demonstrate or provide evidence that there were special or extenuating (unforeseen) circumstances that prevented, or will prevent, them from completing the requirements of the course, or part of the course, may apply to have their FEE-HELP balance re-credited for the affected VET units of study.
- d. RGIT Australia will re-credit the student's FEE-HELP balance if it is satisfied that special or extenuating (unforeseen) circumstances occurred that:
 - i. were beyond the student's control;

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- ii. did not make a full impact on the student until on or after the census date for a course, or part of the course; and
 - iii. make it impracticable for the student to complete the requirements of the course, or part of the course, during the student's enrolment in the course, or part of the course.
- e. RGIT Australia will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to a person's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or irregular.
- f. Each application will be examined and determined on its merits by considering the student's claim together with independent supporting documentation substantiating the claim. Initial applications for the re-crediting of a student's FEE-HELP balance are to be made in writing to RGIT Australia.
- g. A Student's HELP balance can be re-credited under Division 2 or 3 of Part 6 of the VSL Act.
- h. The Secretary may re-credit a student's HELP balance if:
 - i. RGIT Australia is unable to act as per Division 2 of Part 6 of the VSL Act or is being wound up or has been dissolved; or
 - ii. has failed to act as per Division 2 of Part 6 of the VSL Act and the Secretary is satisfied that the failure is unreasonable.

(3) Publication

- a. This policy and procedure will be made available to students and applicants intending to enrol with RGIT Australia through publication on RGIT Australia's website.

6. Procedure

(1) Withdrawal procedure

- a. Students, who wish to withdraw from an approved course or part of an approved course must do so by applying to withdraw on or before the VET unit of study census date.
- b. To withdraw from a course or VET unit of study a student must complete the Student Withdrawal Form and return this form prior to census date to ensure that they do not incur any financial debt.
- c. Students are required to discuss withdrawing from the course or units with their Trainer and Assessor and/or Student Services prior to submitting the Withdrawal Form.
- d. Once the application for withdrawal has been discussed with the Trainer and Assessor and/or Student Services, the student must complete submit it the Withdrawal Form to Student Services.
- e. The application for withdrawal is reviewed, approved, and signed by the Student Services Officer.
- f. The Withdrawal Form is then checked by Student Services for checking for any outstanding documents or loan items. Students must also return RGIT Australia property that is in their possession (e.g., student card, loaned items).
- g. RGIT Australia shall confirm the withdrawal by giving notice to the student in writing stating the date by which the withdrawal has taken effect.

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- h. RGIT Australia shall confirm the withdrawal by giving notice to the student in writing stating the date by which the withdrawal has taken effect.
- i. RGIT Australia shall provide the student with the final results for their VET unit(s) of study after results for the VET unit of study have been finalised.
 - l. This will be by way of issuance of the statement of attainment for any skill sets deemed competent.
- j. A student who withdraws from their enrolled VET unit(s) of study or course on or before the published census date will not incur a VET student loan debt or financial (fines, penalties, or fees) or administrative penalties. There are no other barriers to a student withdrawing and there will be no withdrawal fees.
- k. Students, who withdraw from VET unit of study or course after the census date, may apply to have their FEE-HELP balance re-credited if they are able to demonstrate that special circumstances prevented, or will prevent, them from completing the requirements for the course, or part of the course.
- l. Students who have paid their VET tuition fees up front are eligible for a refund if they withdraw on or prior to the published VET unit of study census date. If the student withdraws from their course or VET unit of study after the census date, they will not be eligible for a refund.
- m. If a student withdraws from an approved course or VET course of study, RGIT Australia will not, after the withdrawal, enrol the student in another approved course or VET course of study or part of an approved course or VET course of study without the written permission of the student (which must be given after the withdrawal).

(2) Refund and Re-credit procedure

- a. Students who have paid their tuition fees up-front are eligible for a refund of their tuition fees, if they have withdrawn from their VET units(s) of study on or before the census date. After the VET unit(s) of study census date, students are not entitled to a refund.
- b. The procedure for the re-crediting of a student's FEE-HELP balance is as follows:
 - I. when a student withdraws from a VET unit of study, using a student Withdrawal Form, RGIT Australia shall confirm the withdrawal by giving notice to the student in writing stating the date by which the withdrawal has taken effect;
 - II. when a student fails to meet the requirements of a VET unit of study, RGIT Australia shall confirm the failure by the student's final result for that VET unit of study after results for the VET unit of study have been finalised;
 - III. the student must apply in writing by submitting the completed the Remit VSL Debt Application Form and supporting documentation, either in person or by email, to RGIT Australia's Student Services Manager;
 - i. for applications for re-crediting under special circumstances as per section 68 of the VSL Act, the student must apply in writing to RGIT Australia's Student Services Manager within 12 months from the census date for the course, or part of the course, concerned;
 - a. RGIT Australia may use its discretion to waive or extend the 12 month period requirement if, in its opinion, it was not possible for the application to be made before the end of the 12 month period. The written application must also include supporting documentation that demonstrates that the requirements for special circumstances have been met.

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- ii. for applications for re-crediting under section 71 of the VSL act, the student must apply in writing within 5 years after the census date for the course, or part of the course, concerned, or within that period as extended by the Secretary.
 - IV. the Student Services Manager will consider the application and assess if they are satisfied that the student meets the special circumstances as per section (5)(2);
 - V. the student will be issued a communication informing them of the outcome of their application, including details of the reasons for the outcome, within 28 days of receiving the student's application;
 - VI. if the application is successful, RGIT Australia will re-credit the student's FEE-HELP balance with an amount equal to the amount of the VET student loan that has been used to pay tuition fees by the student for the affected VET units of study; and
 - VII. the Student Services Manager shall advise the student of their rights for a review of the decision if they are not satisfied with the outcome.
- c. Review of a decision
 - I. If a student is not satisfied with the decision made by the Student Services Manager in relation to re-crediting their FEE-HELP balance they may request a review of the decision mentioned in.
 - II. To request a review of the outcome, the student will need submit a completed copy of the VSL Appeal Against Remittance Outcome Form to Student Services and follow the Internal Appeals procedure set out in RGIT Australia's Complaints and Appeals Policy and Procedure.
 - III. Any such request must be submitted to RGIT Australia in writing and:
 - i. must be lodged within 10 working days of receiving notice of the original decision, unless RGIT Australia allows a longer period; and
 - ii. must specify the reasons for making the request and include any supporting documentation.
 - IV. RGIT Australia shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance in writing and inform the applicant that if RGIT Australia has not advised the applicant of a decision within 45 days of having received the application for review, RGIT Australia is taken to have confirmed the original decision. The notice shall advise the student that they have the right to appeal the decision and apply to the AAT 28 days of a decision for a review.
 - V. If a student wishes to further appeal the decision, they may lodge an appeal with the AAT within 28 days from the written outcome notice. Details of charges for reconsideration or review of decisions by the AAT are available on their website:
 - i. Contact Details:
Administration Appeals Tribunal
Level 16, HWT Tower
South-gate 40 City Road, Southbank

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Telephone: 03 9282 8480 or 1800 228 333

Website: <https://www.aat.gov.au/>

- d. Students will not be victimised or discriminated against for:
- I. seeking a review or reconsideration of a decision; or
 - II. using RGIT Australia's processes or procedures about dealing with grievances; or
 - III. making an application for re-crediting of the student's FEE-HELP balance under Division 2 (re-crediting by course provider) or 3 (re-crediting by secretary other than on discharge of debt) of the VSL Act.

(3) Cancellation procedure

Where RGIT Australia cancels or partially cancels a student's enrolment in a VET course of study, after the census date, as per circumstances outlined in RGIT Australia's Monitoring Course Progress Policy, RGIT Australia will:

- a. inform the student of the proposed cancellation in writing at the earliest available opportunity; and
- b. allow the student with at least 28 days to initiate grievance procedures before the cancellation takes effect;
- c. withhold the cancellation of enrolment pending the outcome of the grievance procedures; and
- d. confirm in writing to the student, which fees, if any, will or will not be refunded as a result of the cancellation; and
- e. students will be referred to access the process to initiate a grievance procedure due to cancellation of their enrolment.

7. Revision History

Revision	Date	Description of modifications
1.0	January 2022	Original