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| Related Policies: | Admissions Policy Attendance Policy Complaints and Appeals Policy Critical Incident Policy Enrolment Policy Progress and Graduation Policy Progress and Graduation (ELICOS) Policy Refunds Policy Recognition of Prior Learning (RPL) Policy Student Misconduct Policy Student Wellbeing, Counselling and Support Policy Transfer of Provider Policy Underage Students (Minors) Policy |
| Related Documents: | Code of Conduct – ECC’s Obligation to Stakeholders Enrolment Terms of Offer (International Students) Enrolment Terms of Offer (Local Students) National Code of Practice for Registration of Authorities and Providers of Education and Training to Overseas Students 2017 (ESOS National Code) ECC Service Principles |

1. Overview

- 1.1. This policy complies with the Education Services for Overseas Students (ESOS) Act 2000.
- 1.2. This policy confirms ECC’s commitment to implementing the National Code of nationally consistent standards that governs the protection of overseas students and the delivery of courses to those students by providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

2. Organisational Scope

- 2.1. This policy aligns with requirements set out in the:
 - Education Services for Overseas (ESOS) Act 2000 and the National Code
 - National quality assurance frameworks including:
 - Australian Qualifications Framework (AQF)
 - TEQSA’s Higher Education Standards Framework (Threshold Standards)
 - ASQA’s Vocational Education and Training (VET) Quality Framework and Standards for Registered Training Organisations (RTO)
- 2.2. This policy applies across all aspects of ECC operations related to the delivery of courses to international students.

3. Definitions

- 3.1. **CAAW Letter:** Confirmation of Appropriate Accommodation and Welfare letter.
- 3.2. **CRICOS:** Commonwealth Register of International Courses for Overseas Students.
- 3.3. **CoE:** Confirmation of Enrolment.
- 3.4. **ESOS Act:** Education Services for Overseas Students Act 2000 (and its amendments)
- 3.5. **ESOS Regulations:** Education Services for Overseas Students (ESOS) Regulations govern student records, refund of fees and tuition assurance schemes.
- 3.6. **Immigration:** refers to the Department of Home Affairs, the Australian government agency responsible for issuing students with visas (<https://www.homeaffairs.gov.au>)
- 3.7. **National Code:** is a legislative instrument established under the *Education Services for Overseas Students (ESOS) Act 2000*. ECC is legally obliged to adhere to the requirements of the National Code. Further details can be accessed at: <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>
- 3.8. **Principal Course:** refers to the final (highest level) course of study for an international student whose visa was granted on the basis of a packaged offer with multiple courses.
- 3.9. **Principal Provider:** refers to the institution that offers the main course of study to be undertaken by an international student with a visa issued for multiple courses.
- 3.10. **PRISMS:** Provider Registration and International Students Management System – database of student information that is linked to Immigration.
- 3.11. **RPL:** refers to Recognition of Prior Learning which may be used to obtain credit for part of the enrolled course.
- 3.12. **RTO:** Registered Training Provider

4. Policy Principles

- 4.1. The [National Code of Practice for Providers of Education and Training to Overseas Students 2017](#) is divided into four parts:
 - [Part A](#) includes a description of its role in the ESOS legislative framework and its purpose and objectives.
 - [Part B](#) outlines the roles and responsibilities of the Australian and State and Territory Governments which share the responsibility for implementing the Code.
 - [Part C](#) explains the CRICOS registration process including providers' requirements and obligations.
 - [Part D](#) provides 11 standards that registered providers must meet in their interactions with international students.
- 4.2. ECC complies with requirements relating specifically to the registration process for CRICOS purposes as specified in Part C of the National Code.
- 4.3. ECC also complies with the 11 Standards established in Part D of the National Code.

5. Policy Content

- 5.1. ECC is registered as a provider of educational services and has registered its courses in line with the requirements of the National Code – Part C. ECC will meet all obligations relating to:
 - Registration and Re-registration
 - Course duration
 - Work-based training

- Mode and place of study
 - Arrangements with other providers
 - Inspection of premises, and
 - Maximum number of students
- as specified in the National Code in relation to the ESOS Act and ESOS Regulations

5.2. ECC complies with 11 standards established in the National Code – Part D to ensure the quality of education and professionalism is of a sufficiently high standard to enrol international students.

5.3. Standard 1 – Marketing Information Practice

- Marketing information and practices will be accurate, complete, professional and ethical.
- ECC's name and CRICOS provider code will be clearly identified on all material used to market ECC and its courses to students.
- Information or advice given to students will not be false or misleading.
- ECC will not knowingly enrol a student wishing to transfer from another provider before that student has completed six months of his/her Principal Course except in circumstances outlined in Standard 7. These restrictions also apply to courses taken before the Principal Course in a package of courses.
- ECC will not actively recruit a student where this clearly conflicts with its obligations under Standard 7.
- ECC will take all reasonable steps to check whether a student is enrolled with any other Provider before completing enrolment. ECC will not knowingly enrol a student prior to the student completing six months of his/her Principal Course except in accordance with circumstances outlined in Standard 7.
- Restrictions also apply to courses taken before the Principal Course in a package of courses.
- A student must remain with his/her provider for all of his/her courses prior to the Principal Course in a package of courses unless the Principal Provider has issued a written Letter of Release or exceptions apply as outlined in Standard 7.

5.4. Standard 2 – Student Engagement before Enrolment

- Potential students will be provided with a range of current, comprehensive and plain English information to enable them to make informed decisions about course details, tuition fees, non-tuition fees and other study-related matters in Australia.
- ECC has documented procedures for assessing students' English proficiency and academic qualifications and will implement these procedures.
- ECC will provide information about the availability of course credit.
- ECC will inform students about CRICOS Course Codes, course content, assessment methods and modes of study (including online, work-based or community-based placements) associated with the course offered.
- ECC will provide information on course duration, holiday breaks, course qualification, award or other outcomes, campus locations/facilities, learning resources available to students, details of any third party arrangements
- ECC is provide information on indicative tuition and non-tuition fees, (including advice on potential changes to fees over the duration of the course), cancellation fees and refund policies.
- ECC will list the grounds on which a student's enrolments may be deferred, suspended or cancelled.
- ECC will provide students with information on the ESOS Framework prior to enrolment (see: <https://www.edithcowancollege.edu.au/documents-and-forms>).
- ECC will supply relevant information on accommodation options and indicative costs of living in Australia.
- ECC will establish a process for approving accommodation arrangements for Minors, and meet their specific needs for support and general welfare arrangements

- Where international students plan to bring school-aged dependents with them, ECC will inform them of Australia's schooling obligations and options, including the fact that they may have to pay school fees.
- ECC has documented procedures for assessing students' educational qualifications, work experience and English language proficiency.
- When granting RPL or course credit, ECC will provide a written record for the student to accept. If the RPL or course credit reduces the length of the course, ECC will issue a CoE for the reduced duration and report any change in PRISMS.

5.5. Standard 3 – Formalisation of Enrolment

- ECC will meet all legal obligations specified by Australian law as part of entering into a written agreement with any student. Where the student is enrolled in a number of consecutive courses with ECC, a single written agreement (that includes conditions upon enrolment in each course), can be issued to cover all courses. ECC will not accept course money from a student before a legally valid agreement has been signed or otherwise accepted (for example, through online acceptance) by the student. If the student is under 18 years of age, the acceptance must be signed by their parent or legal guardian
- The written agreement will:
 - include information about course details, pre-requisites, conditions of enrolment (if applicable), tuition fees, non-tuition fees, refunds and cancellation policies, tuition protection schemes, and complaints and appeals process;
 - in accordance with the Privacy Act, set out circumstances in which personal student information may be shared with others;
 - advise the student of their obligation to notify ECC of current contact details, any changes to contact details, who to contact in an emergency, and any other obligation required as a condition of their student visa while enrolled with ECC
 - Supplementary information (eg. policies) will be included as a hyperlink
- ECC will maintain records of all written agreements and receipts for at least two years after the student ceases to be enrolled with ECC

5.6. Standard 4 – Education Agents

5.6.1. ECC has a written agreement with each education agent it engages to recruit students on its behalf. (ECC is not required to have a written agreement with agents who act on behalf of students or parents).

5.6.2. ECC will enter and maintain education agent details in PRISMS

5.6.3. ECC will ensure education agents have appropriate knowledge and understanding of the Australian International Education and Training Agent Code of Ethics

5.6.4. ECC will:

- Specify responsibilities of both the education agent and ECC in relation to compliance with the National Code 2017.
- Ensure education agents act ethically, honestly and in good faith in the best interests of overseas students;
 - ensure education agents declare and take all reasonable steps to avoid conflicts of interest with their duties as a registered education agent of ECC
 - ensure education agents observe appropriate levels of confidentiality and transparency in dealings with overseas students
- Ensure its education agents have up-to-date and accurate marketing information
- Monitor the activities of its education agents and take corrective action, including terminating the agreement, when the education agent (or an employee or subcontractor) does not comply with the National Code
- Not accept overseas students from an education agent if it knows or suspects that the agent is (or has) engaged in unethical recruitment processes

- not accept overseas students from an education agent if it suspects that the agent is creating CoEs for non-bona fide students or facilitating the enrolment of overseas students while knowing that the student will not comply with their visa conditions

5.6.5. ECC has a written agreement with education agents it engages to formally represent it. 'Formally' covers situations where the agent promotes courses of the provider with the intention of recruiting students for the provider. The written agreement will outline:

- ECC's responsibilities, including for compliance with the *Education Services for Overseas Students Act 2000* (ESOS Act) and National Code 2018;
- Requirements of the agent in representing ECC
- ECC's processes for monitoring the education agent's activities and ensuring the education agent gives overseas students accurate and up-to-date information;
- Corrective actions that may be taken and the grounds for termination of the written agreement with the education agent; and
- Circumstances which information about ECC may be shared by ECC and Commonwealth or State agencies.

5.7. Standard 5 – Younger Overseas Students (Minors)

5.7.1. In accordance with Commonwealth and State legislation, ECC has a duty of care relating to child welfare and protection for students who are aged under 18 years (Minors):

- Immigration must be satisfied that appropriate welfare arrangements are in place for under-18 students before a visa is granted.
- A parent, a nominated suitable relative or an education provider must be responsible for the welfare of younger international students while in Australia.
- If a parent or suitable nominated relative takes responsibility for the welfare arrangements of the student, Standard 5 does not apply and providers do not need to complete a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.
- Should neither a parent nor a suitable relative be in Australia to directly provide for the welfare of a student, and ECC accepts the student, ECC must approve suitable accommodation and welfare arrangements.
- Where ECC approves the arrangement for under-18 students, it will nominate two dates: (1) when ECC elects to begin taking responsibility; and (2) when ECC ceases to take responsibility for approving the welfare arrangements for that student.

5.7.2. Under Migration Regulations, ECC will nominate a period of at least the Confirmation of Enrolment (CoE) plus seven days in order to satisfy Immigration provisions for appropriate welfare arrangements.

5.7.3. ECC will:

- give Minor students important age and culturally appropriate safety information, including what to do and who to contact in an emergency, and how to report any incident or allegation of sexual, physical or other abuse
- ensure the Minor is living with a 'nominated guardian' who meets the requirements of their visa
- approve the accommodation, support and general welfare arrangements as specified in the CAAW letter, and if applicable, approve any changes to those arrangements until the student turns 18 years of age
- ensure any adults involved in providing Minors with accommodation or welfare arrangements, have Working with Children Checks (WWCC) appropriate Western Australia;
- regularly verify that the Minor's accommodation is appropriate to the student's age and physical needs;
- notify the police and any other relevant agencies as soon as practicable if unable to contact the Minor and there are concerns for the Minor's welfare;

- report through PRISMS if ECC is no longer able to take responsibility for the Minor's welfare;
- make all efforts to contact a Minor's parent or legal custodian immediately if they can no longer approve the Minor's welfare arrangements

Whilst ECC takes responsibility for the welfare of an international student who is under 18, it does not take over legal responsibility for the Minor. **The parent or person who has custody of the Minor is at all times, legally responsible for the student.**

5.7.4. Specific details regarding arrangements for international students who are Minors can be found at: <https://internationaleducation.gov.au/Regulatory-Information/Documents/National%20Code%202018%20Factsheets/Standard%205.pdf>

5.8. Standard 6 – Student Support Services

- ECC will provide an age and culturally sensitive orientation program, including information regarding:
 - Support services available to assist in the transition into life and study in Australia
 - Language and study assistance programs
 - Legal services
 - Emergency and health services
 - Facilities and resources
 - Complaints and appeals processes; and
 - Information on visa conditions relating to course progress and attendance
 - Support services to assist with general or personal matters that may have an adverse effect on studies
 - Information on employment rights/conditions and how to resolve workplace issues through the Fair Work Ombudsman.
- ECC has a documented *Critical Incident Policy* together with procedures that identify responsible officers, provide a checklist of actions to be taken in the event of a critical incident, guidelines for follow-up to the incident, procedures for recording the incident, actions taken for review/improvement purposes and maintenance of records for at least two years.
- ECC will offer reasonable support services to enable students to achieve expected learning outcomes, regardless of their place or mode of study.
- ECC will give relevant information or referrals to students about access to study support and welfare-related services
- ECC will facilitate access to learning support services consistent with the course requirements, mode of study and learning needs of ECC cohorts
- ECC has official points of contact: <https://www.edithcowancollege.edu.au/our-staff>
- ECC ensures that staff members who interact directly with overseas students are aware of our obligations under the ESOS framework.
- ECC will take all reasonable steps to provide a safe on-campus environment, to advise students/staff how they can enhance their personal security and safety and what to do in the event of a critical incident.

5.9. Standard 7 – Transfer between Registered Providers

In accordance with the ECC *Transfer of Provider Policy*:

- ECC will not knowingly enrol a transferring student before the student has completed six months of their Principal Course of study except under circumstances outlined in this Standard.
 - When the releasing provider ceases to be registered or has had a sanction imposed on its registration;
 - When the course the student is enrolled in has been discontinued;
 - When the releasing registered provider has agreed to a release and recorded the date of release in PRISMS;
 - When the government sponsor of the student provides written support to indicate that it considers the change to be in the best interests of the student

- The restriction applies to any prerequisite courses in a package of courses, as well as the first six months of the Principal Course.
- If a student wishes to transfer before completing six months of his/her Principal Course, ECC will assess the student's request against its documented *Transfer of Provider Policy* and associated procedures:
 - The student must lodge a written request to transfer, together with a valid offer from another registered provider
 - ECC's *Transfer of Provider Policy* outlines the process for assessing an application and the circumstances under which the request may be approved or denied.
- Where a request is refused, the reasons will be consistent with the intent of the Standard and ECC's reason for refusal will be given to the student in writing.
- If ECC refuses to release a student or fails to respond during the timeframe set out in the policy, the student can appeal through the ECC's Complaints and Appeal process. The outcome of a request to transfer will not be finalised in PRISMS until the appeals process has come to an end or the student withdraws their application.
- If a transfer is approved, ECC will not charge the student for the Letter of Release and will provide advice that the student should contact Immigration to confirm the validity of their visa
- Students aged under-18 must have written confirmation from their legal guardian or parent to transfer. If the student is not being cared for in Australia by a parent or suitable nominated relative, ECC will accept responsibility for transferring or reporting the student's accommodation, support and general welfare arrangements as per Standard 5 and the obligations set out in the Letter of Offer
- ECC will keep records of requests for Letters of Release and the process used to make a decision in relation to such a request for at least two years.

5.10. Standard 8 – Overseas Student Visa Requirements

- ECC has documented policies and procedures for monitoring the progress of each student, and where applicable attendance, to ensure that he/she completes the course within the expected duration as specified on his/her Confirmation of Enrolment (CoE).
- ECC will only grant an extension to the duration of a student's study in limited circumstances as described in the Standards
- Variations to a student's enrolment load will be recorded on his/her file. Where variation leads to an extension of the expected duration of study, ECC will report the student via Provider Registration and International Students Management System (PRISMS) and issue a new CoE.
- ECC will not enrol a student in more than 25% of their total course by distance and/or online learning.
- ECC students are monitored closely to ensure they complete their course within the course duration that is on their CoE but it is the student's responsibility to contact Immigration to ensure that they have a valid visa.
- ECC may vary a student's enrolment load throughout the course to monitor workload and ensure the student completes the course within the duration specified in the CoE.

Monitoring Course Progress

In accordance with the ECC *Progress and Graduation Policy*:

- ECC monitors, records and assesses each student's progress in line with its documented course progress policies and procedures.
- ECC has an intervention strategy that identifies and assists students who are at risk of not making satisfactory course progress, including policies that uphold the academic integrity of courses.
- Where ECC has assessed the student as not meeting satisfactory course progress, ECC will inform the student in writing of its intention to report the student to Immigration and that he/she is able to access ECC's Complaints and Appeals process within 20 working days.

- ECC will notify Immigration through PRISMS of any student not achieving satisfactory progress after the Appeals process (if actioned) is finalised and where the appeal outcome upholds ECC's decision to report.
- ECC assesses course progress in Week 4 and at the end point of every study period.
- ECC has a documented intervention strategy, available to staff and students. This intervention strategy is activated where the student has failed to meet the requirements of their student visa and/or ECC's *Progress and Graduation Policy* in any study period.

Monitoring Attendance

In accordance with the ECC *Attendance Policy*, all ECC courses record and monitor student attendance:

- ECC has documented and implemented appropriate policies and procedures for monitoring attendance for each course and where applicable, report a student to Immigration for failing to meet attendance requirements.
- Where a student has been assessed as not achieving satisfactory attendance, ECC will notify the student of its intention to report them to Immigration and/or cancel their enrolment. Written notice informs the student that he/she is able to access ECC's Complaints and Appeals process and that they have 20 working days in which to do so.
- If the student accesses ECC's Complaints and Appeals process and the outcome confirms ECC's original decision, ECC will report the student for unsatisfactory progress through PRISMS. ECC will not report until the Appeals process is completed or (if the student has not accessed ECC's Complaints and Appeals process), within 20 working days of issuing the student with a Notice of Intention to Report.
- ECC requires a minimum attendance of 80%, but for Higher Education students, ECC may decide not to report a student for breaching this rule if there is documentary evidence demonstrating that compassionate or compelling circumstances beyond the student's control applies.
- For ELICOS students, the law requires ECC to report any student whose attendance falls below 70% in any study period, regardless of whether or not compassionate or compelling circumstances beyond the student's control applies.

Course Credit

In accordance with the ECC *Recognition of Prior Learning (RPL) Policy*, ECC has documented procedures for granting and recording course credit.

- Course credit may reduce the length of a student's course.
 - If this occurs before the visa is granted, ECC will indicate the actual course duration in the CoE issued for that student for that course.
- If the course credit is granted after the visa is granted, the change in course duration is reported via Provider Registration and International Student Management System (PRISMS) under section 19 of the Education Services for Overseas Students (ESOS) Act.
- In all cases, the student will be issued a written record of course credit granted

5.11. Standard 9 – Deferment, Suspension or Cancellation of Enrolment

In accordance with the ECC *Enrolment Policy*:

- ECC has documented procedures for assessing, approving and recording a deferment or suspension of study. Students will be informed of grounds on which their enrolment may be deferred, suspended or cancelled.
 - ECC may defer or suspend a student's enrolment if it believes there are compassionate or compelling circumstances
 - ECC may suspend or cancel a student's enrolment on the basis of (but not limited to) misbehaviour, failure to pay fees and/or breach of course progress or attendance requirements as required by the student visa
- ECC will inform the student that deferment, suspension or cancellation of enrolment may affect his/her student visa.

- Should ECC initiate the suspension or cancellation of a student's enrolment, ECC will notify the student of its intention and allow the student 20 working days to access ECC's internal Complaints and Appeals process, unless extenuating circumstances relating to the welfare of the student applies.
- If the student appeals the decision to defer, suspend or cancel his or her studies, ECC will not notify Immigration of a change to the enrolment status (via PRISMS) until the internal Complaints and Appeals process is completed.
- ECC will grant deferral of commencement of studies or suspension of studies for students who request such a change to enrolment status *on the grounds of compassionate or compelling circumstances beyond their control*.

5.12. Standard 10 – Complaints and Appeals

5.12.1. In accordance with the ECC *Complaints and Appeals Policy*, ECC has an internal Complaints and Appeals process that:

- requires a written record if the complaint or appeal cannot be resolved informally
- provides a student with the opportunity to formally present his/her case at no cost
- allows the student to be assisted or accompanied by a support person
- assesses the complaint or appeal in a professional, fair and transparent manner
- provides a written statement of the outcome, including details and reasons for the decision;
- requires ECC processes to begin within 10 working days of ECC receiving the formal written lodgement of the complaint or appeal

5.12.2. ECC will also investigate and respond to any complaint related to an ECC-approved education agent acting on behalf of ECC and/or any third party provider who delivers ECC courses.

5.12.3. ECC will maintain the student's enrolment while Complaints and Appeals processes are ongoing. This does not necessarily mean that a student must be enrolled but failure to re-enrol and maintain attendance may place the student's visa at risk.

5.12.4. ECC has arrangements in place for an independent external person or organisation to hear Complaints and Appeals where ECC's internal process has been completed and the student remains dissatisfied because the processes have not been undertaken in accordance with ECC policy.

5.12.5. ECC's documented internal Complaints and Appeals process includes provision of a written statement of the outcome including details and reasons for the decision.

5.12.6. If the outcome of a student's appeal through ECC's internal or external Complaints and Appeals handling process is favourable to the student, ECC will immediately advise the student of this and implement any decision with any corrective and/or preventive action required.

5.13. Standard 11 – Additional Registration Requirements

5.13.1. ECC will seek and maintain approval from the ESOS regulator (TEQSA) for the delivery of courses for overseas students including:

- Course duration and holiday breaks
- Modes of study
- Number of overseas students enrolled at any one time
- Arrangements with other education providers (partners) for the delivery of a course to overseas students

- 5.13.2. ECC will demonstrate compliance with any matters requested by TEQSA including:
- Expected duration does not exceed time limit required to complete a course on a full-time basis
 - Expected duration includes holiday periods and/or work-based training
 - That any work-based training includes appropriate arrangements for supervision and assessment of students
 - That the course is not delivered entirely via online or distance learning
 - That ECC and any partner engaged to deliver a course has adequate staff and education resources (facilities, equipment, learning/library resources and premises)
 - That the maximum number of students at the location reflects appropriateness of staff resources and facilities for delivery of the course
- 5.13.3. ECC will submit to TEQSA information on any proposed changes to registration at least 30 days prior to making those changes

6. Administrative Procedures

- 6.1. This policy and related documentation is accessible through the ECC website at:
<http://www.edithcowancollege.edu.au/policies>
- 6.2. Any recommendations for process improvement or policy change arising will be forwarded the Senior Management Group and governance committees for consideration and approval.
- 6.3. This policy and related procedures will be communicated to staff via email. New staff will receive policy information during the induction process as it relates to their position.