



OXFORD COLLEGE OF BUSINESS RTO No: 21442

Reviewable VET Decisions Policy

1. Purpose

Re-crediting a person's FEE-HELP balance

Students who withdraw from their studies (from VET unit/s of study) after the census date can apply in certain circumstances to have their FEE-HELP balance re-credited.

Oxford College of Business (the College) will, where it is satisfied that special circumstances apply, re-credit a person's FEE-HELP balance with an amount equal to the amount of VET FEE-HELP assistance that the person received for the VET unit of study.

A person has the right to apply for a review of a decision by the College to not re-credit their FEE-HELP balance (reviewable VET decisions). The College must have student review procedures for reconsidering such decisions.

Reviewable VET decisions

Decisions regarding re-crediting a person's FEE-HELP balance are reviewable (reviewable VET decisions). A review of a decision may be requested by the person affected by the original decision or without a request if the College is satisfied that there is sufficient reason to do so. The purpose of this policy is to ensure that in reviewing reviewable VET decisions made by the College relating to assistance under Part 2 of Schedule 1A of the *Act*, the College will comply with the requirements of this section 6.15 of the VET Provider Guidelines and Division 16 of Schedule 1A of the *Act*.

2. Definitions

Unless the contrary intention appears:

Oxford College of Business is the trading name for Oxford Business College Pty Ltd.

The College means Oxford College of Business.

The Act refers to Schedule 1A of the Higher Education Support Act 2003.

The Department means the Australian Government Department of Education and Training

The Original decision-maker is referring to the Accounts Payable Officer or the Finance Manager.

The Review Officer is the Head of Student Services (HOSS) who occupies a position that is senior to that occupied by the original decision-maker (Accounts Payable Officer or Finance Manager).

3. Scope

This policy applies to a person has the right to apply for a review of a decision by the College to not re-credit their FEE-HELP balance (reviewable VET decisions). The College must have student review procedures for reconsidering such decisions. This policy and procedures will be published, publicly available on the College's website and up-to-date regularly.

4. General Policy

4.1 Students who withdraw from their studies (from VET unit of study) after the census date can apply in certain circumstances to have their FEE-HELP balance re-credited.

4.2 The College will, where it is satisfied that special circumstances apply, re-credit a person's FEE-HELP balance with an amount equal to the amount of VET FEE-HELP assistance that the person received for the VET unit of study.

4.3 If a person's FEE-HELP balance is re-credited, any VET FEE-HELP debt they acquired for the unit is taken to be remitted and the College will repay any amounts of VET FEE-HELP assistance to which the person was entitled for the unit to the Commonwealth.

The College has the discretion to refund any up-front payments the person made in respect of the unit in accordance with its own policies, which should be accessible to the student. The College will be mindful of the requirement to treat fairly all of its students and all of the persons seeking to enrol with the College.

4.4 For a review of a decision by the College to not re-credit their FEE-HELP balance (reviewable VET decisions), the student/ applicant must fill in a Reviewable VET Decisions Application Form.

4.5 Reviewable VET Decisions procedures are to inform students how to submit a valid request for review and provide details of the application, including the required content of the application, that the College is required to send to a person who has requested the review of a decision to not re-credit their FEE-HELP balance.

4.6 The College may include other review procedures with which its review officer will comply, provided that these procedures are consistent with the Act requirements. These other review procedures may not limit a person's right to apply for a review of a decision.

4.7 The process of reviewable VET decisions by the College will be without charge to the applicant.

5. Procedures

5.1 Re-crediting a person's FEE-HELP balance

5.1.1 Advising students of the process

If a person withdraws from a VET unit of study after the census date the College will advise the person that they may apply, in writing to the College, for a re-credit, remission or refund, whichever is relevant to the person. This is done by completing an Enrolment Withdrawal Form.

5.1.2 Applying for a re-credit and remission

A person may apply for a re-credit of FEE-HELP balance if they withdraw from their unit after the census date or the person has not completed the requirements for the unit. A person's VET FEE-HELP debt in relation to a unit is taken to be remitted if the person's FEE-HELP balance is re-credited.

A person cannot apply for a re-credit or a remission if they have successfully completed the unit. A student who receives a fail grade is considered not to have successfully completed the requirements of the unit.

An application for a re-credit or a remission must be made, in writing, within 12 months of the withdrawal date, or, if the person has not withdrawn, within 12 months of the end of the period of study in which the unit was, or was to be, undertaken. Where a provider allows a person to defer completion of their studies, the twelve month period applies from the end of the extended

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period. The College has the discretion to waive this requirement if it is satisfied that the application could not be made within the time limits.

5.1.3 When must the College re-credit (special circumstances)?

The College will re-credit if it is satisfied that **special circumstances** apply to the person that were:

- beyond the person's control;
- did not make their full impact on the person until on, or after, the census date; and
- made it impracticable for the person to complete the requirements for the unit in the period
- during which the person undertook, or was to undertake, the unit.

5.1.4 Definition of *beyond a person's control*

Circumstances could be considered beyond a person's control if a situation occurs that a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible. This situation would generally be expected to be unusual, uncommon or abnormal.

For example, a lack of knowledge of how VET FEE-HELP works or the requirements regarding census dates would **not** be considered beyond a person's control.

5.1.5 Definition of *do not make full impact until on or after the census date*

Circumstances could be considered not to make their full impact on the person until on or after the census date for the unit if the person's circumstances occur:

- before the census date, but worsen after that day;
- before the census date, but the full effect or magnitude does not become apparent until after that day; or
- on or after the census date.

5.1.6 Definition of *impracticable for the person to complete the VET unit of study requirements*

Circumstances that make it impracticable for the person to complete the requirements for their unit may include:

- medical circumstances. For example, where a person's medical condition has changed to such an extent that he or she is unable to continue studying;
- family/personal circumstances. For example, death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a person to continue studies;
- employment related circumstances. For example, where a person's employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person's control; or
- course related circumstances. For example, where the College has changed the unit it had offered and the person is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or courses.

A person is unable to complete the requirements for a unit, for example, if the person is unable to:

- undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet their compulsory course requirements; or
- complete the required assessable work; or
- sit the required examinations; or

- complete any other course requirements because of their inability to meet the above.

The person's application should include any independent supporting documentation, for example, a letter from the person's doctor or counsellor, to support the person's claims.

Each application will be examined and determined on its merits. The College will consider the person's claims, together with any independent supporting documentary evidence that substantiates these claims.

Special circumstances do not include, for example:

- lack of knowledge or understanding of requirements for VET FEE-HELP assistance; or
- a person's incapacity to repay a HELP debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances.

5.1.7 Requirements for making decisions

The College will consider the person's application as soon as practicable, usually within 10 working days. The original decision maker of the College will notify the person of its decision and the reasons for making the decision in writing. This decision is made by either the accounts receivable officer or the finance manager.

Decisions regarding re-crediting a person's FEE-HELP balance are reviewable (reviewable VET decisions). In addition to notifying a person of its decision and the reasons for making the decision, the original decision maker of the College will also advise the person of their rights for a review of the decision if the person is unsatisfied with the outcome. The person will be advised that the time limit for applying for a review of a decision is 28 days from the day the person first received notice of the decision. The original decision maker of the College will notify the person of its decision and the reasons for making the decision in writing. This decision is made by either the accounts receivable officer or the finance manager.

5.1.8 Notifying the Department of the decision

Where a decision results in the re-crediting of a person's Student Learning Entitlement (SLE) or FEE-HELP balance, the remission of a person's HELP debt, and/or the refund of a person's up-front payments, the College will notify the Department through the Revisions File. The College will repay to the Commonwealth any amounts of VET FEE-HELP assistance it received from the Commonwealth on the person's behalf.

5.2 Reviewable VET Decisions

5.2.1 For a review of a decision by the College to not re-credit their FEE-HELP balance (reviewable VET decisions) application to be valid:

- The time limit for applying for a review of a decision is 28 days from the day the person first received notice of the decision or such longer period as the reviewer allows.
- applicant must fill in a Reviewable VET Decisions Application Form which can be obtained from student services desks.
- The person must state the reasons and together with any independent supporting documentary evidence that substantiates these claims.

Student Service Department will acknowledge receipt of an application for review of a decision to not re-credit their FEE-HELP balance in writing, and inform the applicant that, if the reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, the

reviewer is taken to have confirmed the original decision. This is done by cutting out the receipt slip at last section of the application form.

A person has the right to apply for a review of a decision to not re-credit their FEE-HELP balance. The time limit for applying for a review of a decision is 28 days from the day the person first received notice of the decision, or such longer period as the reviewer allows. The person must state the reasons why they are applying for a review.

The review officer will be the Head of Student Services who is not the same officer who made the original decision (Accounts Payable Officer or the Finance Manager) and who occupies a position that is senior to that occupied by the original decision-maker.

The reviewer officer will reconsider the decision, available reconsider the decision options are to:

- confirm the decision
- vary the decision or
- set the decision aside and substitute a new decision;
 - notify the person, in writing, of the reviewer's decision and the reviewer's reasons for making the decision (either confirming the decision, varying the decision, or setting the decision aside and substituting a new decision);
 - advise the person of their right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the reviewer's decision if the applicant is unsatisfied with the outcome;

The cost to apply to the Administrative Appeals Tribunal for review of a decision is an application fee. The current approximate cost of lodging an appeal: \$816.00 (this cost is subject to change and is the responsibility of the applicant). For a health card or concession card holder this fee is waived.

Appeals Tribunal

Level 16, HWT Tower, Southgate 40 City Road Southbank VIC 3006

Postal Address:

Administrative Appeals Tribunal GPO Box 9955 Melbourne VIC 3001

Telephone (03) 9282 8444 (03) 9282 8444 (metropolitan area) 1300 366 700 1300 366 700 (country areas)

Email: Melbourne.Registry@aat.gov.au

The College will maintain an up-to-date register of appointments of review officers.

6. Reconsideration by the AAT

A person may make an application to the AAT for a reconsideration of the College's decision to refuse to re-credit their FEE-HELP balance, and may supply additional information to the AAT that they did not previously supply to the College (including the College's reviewer officer).

The Secretary of the Department, or the Secretary's delegate, will be the respondent for cases that are before the AAT. When the Department receives notification of application to the AAT it may choose to review the original decision. Once the Department has received notification from the AAT that the person has applied for the reconsideration under section 37 of the *Administrative Appeals Tribunal Act 1975* (AAT Act), the Secretary must, within 28 days, lodge the following documents with the AAT:

- a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision; and
- every document or part of a document that is in the reviewer's possession or under the reviewer's control and is considered by the reviewer to be relevant to the review of the decision by the AAT.

Upon receipt of a notification from the AAT, the Department will notify the College, in writing, that an appeal has been lodged. To enable the Department to meet the 28-day timeframe, the College will, within a further 5 business days of being requested, provide the Department with copies of all the documents it holds that are relevant to the appeal. These documents should be sent to the Department by courier or Express Post to meet the 5 day requirement. The College should keep any originals and copies of the documents in accordance with their normal recording keeping practices.

Under clause 95(2)(b) of Schedule 1A of the Act, the College may still reconsider matters that are before the AAT (i.e. at any time up until the AAT makes a final decision) and will advise the Department of Education if a decision is made to re-credit a person's FEE-HELP balance. However, until a person withdraws their AAT appeals or the appeal is dismissed or otherwise dealt with by the AAT, the Department is still required to comply with the requirement under section 37 of the AAT Act to lodge the statement, and relevant documents described in the two dot points above, with the AAT.

Therefore, the College will still forward all relevant documents to the Department within the 5 business days, unless advised not to do so by the Department. The Department will deal with cases from that point and advise the College of the outcome.

Reviewable VET Decisions Application Form

For a review of a decision by the College to not re-credit their FEE-HELP balance (reviewable VET decisions) application to be valid, the following conditions must be met:

- the time limit for applying for a review of a decision is 28 days from the day the person first received notice of the decision or such longer period as the reviewer allows.
- The applicant must fill in the Reviewable VET Decisions Application Form in full.
- The person must state the reasons and together with any independent supporting documentary evidence that substantiates these claims.
- The Reviewable VET Decisions Application Form should be obtained from Student Services, completed in full and returned to:

Head of Student Services
Student Services Department
Level 7, King St, Melbourne VIC 3000.