

MCOHB Transfer between Registered Providers Policy and Procedure

1.0 Purpose

1.1 The purpose of this document is to provide details on the procedures for students to follow in relation to changing their provider and the circumstances under which Melbourne College of Hair and Beauty (MCOHB) will consider an international student's request to transfer to or from another registered provider in accordance with the requirements and relevant legislation and regulations:

- Education Services for Overseas Students Act 2000,
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (CRICOS standards),
- ESOS Regulations 2019,
- National Vocational Education and Training Regulator Act 2011, and
- Standards for Registered Training Organisations (RTOs) 2015.

2.0 Responsibility

2.1 The Chief Executive Officer (CEO) is responsible for the implementation of this policy and procedure and for ensuring that staff and students are aware of its application and that the Admissions Department implements its requirements.

2.2 The CEO may delegate responsibility of the management of this policy to a suitable manager/supervisor.

2.3 The parties responsible for implementing the processes in this policy are outlined in Section **Error! Reference source not found.. Error! Reference source not found.**

3.0 Object of this policy and procedure

3.1 The objects of this policy and procedure is to meet the requirements of:

3.2 Education Services for Overseas Students Act 2000,

3.3 National Code of Practice for Providers of Education and Training to Overseas Students 2018 (CRICOS standards).

3.4 ESOS Regulations 2019,

3.5 National Vocational Education and Training Regulator Act 2011.

3.6 The procedures documented in this policy for releasing or receiving Transfer of Restricted Enrolments comply with the ESOS Act 2000; the requirements of Standard 7 of the National Code 2018; and International Student Visa requirements, Overseas student transfers.

3.7 MCOHB does not knowingly enrol any transferring international student prior to the six months of their principal course being completed unless:

- a) the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered;
- b) the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the international student from continuing his or her course at that registered provider;
- c) the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS;
- d) any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.
- e) MCOHB considers student requests for transfer in a fair and equitable manner according to the procedure outlined in this policy.
- f) MCOHB provides a written response to student requests for transfer.
- g) MCOHB enables students to appeal through the grievance procedure.

4.0 Definitions

Accepted Student	Accepted student of a registered provider (Student) means a student (whether within or outside Australia): (a) who is accepted for enrolment, or enrolled, in a course provided by the provider; and (b) who is, or will be, required to hold a student visa to undertake or continue the course.
Agent Agreement	Agreement between the RTO and the agent including the schedules.
Applicant	4.1 A prospective student prior to receiving an official Letter of Offer
Authorised representative	4.2 Means an authorised representative of the RTO or an authorised Education Agent, who is permitted to undertake the enrolment assessment with a prospective international student.

Compulsory Study Period	A period of study in which the student must enrol unless granted a deferment or suspension from enrolment or leave of absence under Standard 9 (Deferring, suspending or cancelling the student's enrolment). A compulsory study period does not include periods in which the student can elect to undertake additional studies.
Course	Full time registered University or vocational education and training courses or ELICOS courses offered by or through RTO and registered on Registered Providers CRICOS scope of registration.
Confirmation of Enrolment (CoE)	The Confirmation of Enrolment (CoE) is an official document that provides important information about an international student's enrolment status. This document is required to be submitted to the Department of Home Affairs before applying for a student visa.
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students.
Academic Credit	Credit is the value assigned for the recognition of equivalence in content and learning outcome between different types of learning and/or qualifications. Credit reduces the amount of learning required to achieve a qualification and may be through credit transfer, articulation, RPL or advanced standing (AQF, second edition, January 2013).
Education Agent	A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers. Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).
Enrolment	Enrolment means where the student has been issued with a CoE and Letter of Offer to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards the completion of the course requirements. The period of enrolment includes scheduled breaks between study periods.
ESOS Act	Education Services for Overseas Students Act 2000 revised 2018 of the Commonwealth of Australia.

ESOS Regulations	National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
Full time study	The amount of study for a particular Course which is approved by the accrediting body for the Course, or in cases where the accrediting body gives no such approval, means minimum of 20 contact hours per week.
Genuine Student	An applicant that intends to obtain a successful educational outcome and has the language, education and material background to have a reasonable chance of achieving this educational outcome
Genuine Temporary Entry (GTE)	An applicant that has circumstances to support a genuine intention to enter and stay in Australia temporarily, notwithstanding the potential for this intention to change over time to an intention to utilise lawful means to remain in Australia for an extended period or permanently.
IMMI	Data base of Visas maintained by the Department of Home Affairs and Border Protection.
International Student Agreement	Registered providers must have a written agreement (learning contract) with each overseas student they accept for enrolment and it must be signed or otherwise accepted by the student. Written agreements can take any form provided they meet the requirements of the ESOS Act and the National Code.
Letter of Offer	A written agreement with the overseas student or intending overseas student, signed or otherwise accepted by the student, concurrently with or prior to accepting payment of tuition fees or non-tuition fees.
Mode of Study	Attendance including face-to-face in a classroom, supervised study on the registered provider's campus, distance learning, online learning and work-based learning.
National Code	National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students.

Overseas Student	A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act but does not include students of a kind prescribed in the ESOS Regulations. Where the student is under 18 years of age and the student is required to exercise rights or enter obligations as a legal person, this term may refer to the student's parent or legal guardian.
Principal Course of Study	The principal course of study that refers to the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses.
PRISMS	The Provider Registration and International Students Management System (the electronic system that holds CRICOS course and provider registration details and the electronic Confirmation of Enrolment) and reporting changes in course enrolment, particularly where study ceases (non-compliance), or the duration of the study changes. PRISMS also facilitates the monitoring of student compliance with visa conditions, as well as provider compliance with the ESOS Act.
Prospective Student	An intending overseas student (whether within or outside Australia) who intends to become, or who has taken any steps towards becoming, an overseas student
Pre-requisite	4.3 Means any requirement that the applicant must meet prior to being accepted into a course of study.
Quality Student	4.4 Is a genuine student who is able to demonstrate that they intend to obtain a successful educational outcome and has the necessary language, educational and material background and will comply with their student visa conditions.

Recruitment	The pre-enrolment processes of engaging and assisting overseas students (or parent or guardian if the overseas student is under 18) to apply for a place in a course with a provider leading up to the formal enrolment, including assistance with administrative issues and the issuing of a Confirmation of Enrolment for an application for a student visa;
Registered Training Organisation (RTO)	Registered training organisations (RTOs) are providers and assessors of nationally recognised training that have been registered by the Australian Skills Quality Authority (ASQA).
Relevant Acts and Standards that govern this policy and procedure	• Education Services for Overseas Students Act 2000 • National Code of Practice for Providers of Education and Training to Overseas Students 2018 • Standards for Registered Training Organisations (RTOs) 2015 • Disability Standards for Education 2005
Student Course Variation (SCV)	4.5 Is a Student Course Variation , created through PRISMS to inform the Dept. Home Affairs of any change to an accepted student's enrolment, or their failure to meet visa conditions.
Student Management System (SMS)	4.6 An approved NCVER AVETMISS Data Entry Tool for the collection and storage of a VET students information, collected by an RTO during the students course of study of an AQF accredited qualification.
Unique Student Identifier (USI)	A USI - Unique Student Identifier is a student's individual education identifier for life. It also creates an online record of their training attainments in Australia. If a student is undertaking either nationally recognised training, or a higher education qualification, they need a USI in order to receive commonwealth financial assistance, as well as to obtain their qualification or statement of attainment testamurs.
VET qualification	4.7 Means a qualification that is delivered to international students, is approved on the CRICOS register and is listed on the RTO's scope of registration on training.gov.au.

5.0 Transferring and enrolling Incoming students

- 5.1 The following procedure is relevant for any student who applies for a course within MCOHB and is currently studying on-shore with another registered provider.
- 5.2 MCOHB will **NOT** actively recruit and knowingly enrol a transferring student before the student has completed six months of their principal course of study except for the circumstances outlined as follows:
 - a. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered,
- 5.3 the original registered provider has provided a written letter of release,
- 5.4 the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing their principal course,
- 5.5 any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.
- 5.6 The restriction applies to any prerequisite courses in a package of courses, as well as the first six months of the principal course.
- 5.7 A student can transfer without restriction after they have completed six months of the principal course (six months is calculated from when the student starts their principal course).
- 5.8 An essential condition for an application to be considered for transferring is that the student can provide a valid enrolment offer from the new provider
- 5.9 For this procedure to be completed the applicant must provide a copy of their Student Visa and appropriate student number (to look up PRISMS). Once this information is obtained the following steps are taken:
 1. Student Administration accesses the student information via PRISMS. They are to ascertain if the length of studies completed in their current Principal course of study is greater than 6 months. They also use the copy of the student visa in the passport to ascertain what the principal course is and when they arrived in Australia.
 2. In completing this process, they would print a copy of the PRISMS record and attach to the student application.
 3. If they have completed more than 6 months of their principal course of study, the application process proceeds as for all off-shore students.
 4. Where a student has NOT completed 6 months of their principal course of study, PRISMS is to be checked to ascertain if the student has been released from their current provider.
 5. To support the application, they can be provided with an "Offer of Enrolment" which clearly states that an offer of a place is contingent on their being released by their current provider.
 6. If the current provider provides a Release on PRISMS, the application proceeds as for all offshore applicants.
 7. If the current provider has not advised on PRISMS that the student has been released, the application process is halted and the student informed that they are unable to transfer at this time. They are welcome to re-activate their application when the 6 month period has passed.

8. Note that in the exceedingly rare circumstances where the original institution or course has ceased to be registered, or sanctions have been placed on the original institution by the VET Regulator which do not allow the student to continue with the course, no letter of release is required. Evidence of this occurrence would need to be placed in the student file.
9. If the student is in receipt of a Government scholarship, they should provide written support from the government agreeing to the change which will stand in lieu of any letter of release.
10. A Transferring student must provide a written letter of release from original registered provider except when:
11. The student's CoE was conditional on meeting certain requirements and that the student has not been able to meet those requirements. As the result, the student is left without a provider. In this situation, where the student is able to provide documentary evidence of their predicament (these documents will be accepted as "approximates" to a letter of release), transfer will be permitted.
12. The student no longer has a student visa and therefore no principal course.
13. A student's enrolment may have been cancelled under Standard 9 of the National Code ("Deferring, suspending or cancelling the overseas student's enrolment"), there is no need for the provider to also issue a release letter in this situation the cancellation would be sufficient.

6.0 Transferring Outgoing students from MCOHB

- 6.1 The following procedure is relevant to those students wishing to transfer to another education provider prior to completing six (6) months of their principal course of study.
- 6.2 Students make a written request using MCOHB's Request for Letter of Release Form to Student Administration to transfer to another provider.
- 6.3 The only reasons under which a student will be released are if:
 - a. MCOHB has cancelled/ceased to offer the students programme (letter from MCOHB supplied),
 - b. the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8,
 - c. there is evidence of compassionate or compelling circumstances,
 - d. MCOHB has failed to deliver the course as outlined in the written agreement there is evidence that the overseas student's reasonable expectations about their current course are not being met,
 - e. there is evidence that the overseas student was misled by MCOHB or an education or migration agent, regarding MCOHB or its course, and the course is therefore unsuitable to their needs and/or study objectives,
 - f. there is evidence that the overseas student's reasonable expectations about their current course are not being met, e.g. they have experienced the course over a sufficient time (three or more months) and have determined the industry will not satisfy their future employment expectations.
 - g. an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
- 6.4 Upon a student requesting a transfer to another provider, the student must provide a valid "Offer of Enrolment" from the new provider.

6.5 When assessing an application to transfer, Student Administration will check the following points:

- a. Ensure any outstanding fees are paid
- b. Ensure the student is fully aware of all issues relating the transferring of providers.
- c. Check student records to ensure the student is not trying to avoid being reported to the appropriate government agency(s) due to lack of course progress or poor attendance records.
- d. Once the above points have been addressed by the Student Administration Manager, information on the release of the student is entered into PRISMS.
- e. All requests, considerations, decisions and copies of letters of release are placed on student's file for a period of two years after student ceased to be a student.
- f. The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the refund policy independent of this policy.
- g. MCOHB will assess and reply to the overseas student's transfer request within 10 working days.

7.0 Valid reasons to reject a request for transfer to another provider

7.1 MCOHB can reject an application from a student to transfer to another registered provider for reasonable grounds, including but not limited to:

- a. Where MCOHB's academic administration identifies that the student is trying to avoid being reported to Department of Home Affairs for failure to meet the required academic progress or academic integrity requirements;
- b. Where MCOHB is able to deliver the same qualification that the student is transferring to another provider to attend at the same or better fee;
- c. The student did not submit enough documented evidence to support reasons or claims in the application for letter of release;
- d. you apply to transfer into a course that you do not have the credentials to enter
- e. the transfer would put you in breach of your visa conditions
- f. the student owes money to the provider e.g. outstanding course fees
- g. The proposed transfer may jeopardise to the student's progression through a package of courses/ future study plans;
- h. The student has recently started studying the course and the full range of support services are yet to be provided or offered to the student;
- i. The student has unsatisfactory academic progress and is in the intervention process;
- j. The student has unsatisfactory behaviour and has been or is about to have their enrolment suspended or cancelled and be reported to Department of Home Affairs);

- 7.3 The student cannot/ has not provided a letter from another registered provider confirming that a valid enrolment offer has been made;
- 7.4 Where the student has an outstanding debt to MCOHB;
- 7.5 Students have not been fully aware of their study issues and require support services that the receiving provider will be unable to provide;
- 7.6 The student does not satisfy any of the situations which normally lead to a letter of release being granted.
- 7.7 If any of the conditions are unclear, the student will be referred to the Director of Studies or their delegate, where an interview will be conducted in order to gain further understanding of the circumstances.
- 7.8 Where the request to transfer to another RTO is be rejected, the student is to be advised in writing of the reasons for the refusal, and the student's right to appeal the decision within 20 working days of being advised of the decision and MCOHB will keep the student enrolled until the complaints and appeals process is finalised.
- 7.9 A student's refusal status will not be finalised with PRISMS until an appeal is found in favour of MCOHB's refusal or if, after 20 days the student has not chosen to, or has withdrawn from, appeal procedures.
- 7.10 The above assessment procedure should not take more than 10 working days once the student has provided the necessary documentation.