

## DEFERMENT, SUSPENSION AND CANCELLATION POLICY AND PROCEDURE

### 1. Policy Purpose

- 1.1. This policy outlines the circumstances under which students can defer, suspend or cancel their enrolment with DNA Kingston Training and where DNA Kingston Training can initiate the suspension or cancellation of student's enrolment.
- 1.2. This policy ensures compliance with Standard 9 of The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, the Education Services of Overseas Students Act 2000 (ESOS Act 2000), and Standards for Registered Training Organisations (RTOs) 2015.

### 2. Policy Scope

- 2.1. This policy applies to any prospective, commencing or returning students enrolling in any course/s at DNA Kingston Training.
- 2.2. Definitions:

**Compassionate or compelling circumstances** are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes
- bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided)
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies
- a traumatic experience that has impacted on the student which could include involvement in, or witnessing of a serious accident or witnessing or being the victim of a serious crime. Such cases supported by police or psychologists' reports
- where Education Access Australia is unable to offer a pre-requisite unit
- inability to begin studying on the course commencement date due to delay in receiving a student visa

**Deferral** means to postpone commencement of studies.

**Suspension** is a temporary postponement of studies.

### **3. Policy Content**

- 3.1. DNA Kingston Training does not encourage the deferment or suspension or cancellation of studies.
- 3.2. In exceptional circumstances, DNA Kingston Training may accept a deferment, leave of absence, or temporarily suspend studies.
- 3.3. All applications for deferments or suspensions or cancellations must be made in writing to the Director of DNA Kingston Training.

#### **Cancellation of studies**

- 3.4. Students may initiate cancellation of their studies at any time during their course. Students who wish to withdraw within six months of their course to transfer to another provider will be processed as per DNA Kingston Training Transfer of Provider Policy and Procedure.
- 3.5. DNA Kingston Training may also initiate suspension or cancellation of a student's enrolment on the grounds of misbehaviour of the student or non-payment of fees. Information in the International Student Handbook describes the behaviour expected by students (college rules section), as well as information on plagiarism, collusion and cheating.
- 3.6. Cancellation of the student's enrolment due to unsatisfactory course progress or attendance will be handled as per DNA Kingston Training Course Progress and Completion Policy and Procedures.

#### **Deferral and suspension of studies**

- 3.7. Deferral and suspension of studies will only be granted in compassionate or compelling circumstances as included in the definitions above. The circumstances listed are example of what may be considered compassionate or compelling circumstances and each case will be assessed on its individual merits.
- 3.8. When determining whether compassionate or compelling circumstances exist, DNA Kingston Training considers documentary evidence provided to support the claim, and stores copies of these documents in the student's file/ Axcelerate.
- 3.9. A retrospective deferment or suspension may be justified if the student was unable to contact DNA Kingston Training because of a circumstance such as being involved in a car accident.
- 3.10. Where a student initiated deferral or suspension of enrolment is granted, DNA Kingston Training will suspend an enrolment for an agreed period of time - to a maximum of 12 months. If the deferral is required for longer than 12 months, the student's application will be re-assessed. If the suspension period has expired and the student does not return, the student's enrolment will be cancelled.

### **Visa status**

- 3.11. Deferment, suspension or cancellation of a student's visa may affect the student's visa. When a student's enrolment is deferred, suspended or cancelled, DNA Kingston Training will notify Department of Education and Training (DET) via PRISMS of the change in enrolment status. The Students files will be reviewed to ensure final reporting to Department of Home Affairs (DHA) has been finalised after the 20 working day period has passed.
- 3.12. Where a student accesses the Complaints and Appeals process, DNA Kingston Training will not notify Department of Education and Training (DET) via PRISMS until the internal appeals process is complete. Where the student chooses to access an external appeals process, Department of Education and Training (DET) will still be notified via PRISMS.
- 3.13. Students are referred to the Department of Home Affairs (DHA) website (<https://www.homeaffairs.gov.au/>) or ESOS-visa enquiry helpline 131 881(within Australia) for information and their local Department of Home Affairs (DHA) office for advice on how the potential change to enrolment status may impact upon his or her visa.
- 3.14. Once the Department of Education and Training (DET) has been notified of a suspension or cancellation of a student's enrolment, the student has 28 days in which to leave Australia or show the Department of Home Affairs (DHA) a new CoE or provide Department of Home Affairs (DHA) with evidence that he or she has accessed an external appeals process.
- 3.15. Regardless of whether the suspension of enrolment is the result of a student request for suspension or a suspension imposed by DNA Kingston Training, the period of suspension of enrolment (as entered in PRISMS) will not be included in attendance monitoring calculations.
- 3.16. Where DNA Kingston Training initiates the suspension or cancellation of a student's enrolment, the student will be notified of this intention and will be informed that they have 20 working days to access DNA Kingston Training's Complaints and Appeals Policy and Procedure, unless extenuating circumstances relating to the welfare of the student apply. Such circumstances may include where the student refuses to maintain approved care arrangements (only for students under 18 years of age), is missing; has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing; has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or is at risk of committing a criminal offence.
- 3.17. Students may choose to access an external appeals process as per DNA Kingston Training's Complaints and Appeals Policy and Procedure. In the case of an external appeal, DNA Kingston Training is not required to wait for the outcome of the external appeal before notifying Department of Home Affairs (DHA) of the change to the student's enrolment status.
- 3.18. In relation to suspension, DNA Kingston Training will continue to provide learning opportunities to students during the appeals process. However, where it is considered that a student should not attend classes during the appeals process, students will be provided with work that can be completed outside of the classroom environment.
- 3.19. DNA Kingston Training provides information about its Deferral, Suspension and Cancellation Policy and Procedure on the above in the International Student Handbook and at orientation.
- 3.20. Student may access all relevant forms for deferral or suspension through DNA Kingston Training website or by direct request at ADMIN office.

- 3.21. Standards of behaviour required are outlined in the International Student Handbook. Appropriate records of the assessment of the student's application for deferment, suspension or cancellation will be kept on the student's file. Where a student is suspended or their enrolment cancelled due to misbehaviour, documentary evidence of this decision will also be kept.
- 3.22. Students who have been Suspended, Deferred or Cancelled enrolment are advised they may be eligible for refund and are to view DNA Kingston Training Cancellation and Refund Policy available on the web site, and student handbook.

## **4. Procedure**

### **Correspondence**

- 4.1. All information, documented meetings and reports associated with the Complaints and Appeals process are to be filed at DNA Kingston Training, placed on student individual file and provided to students and Guardians / Parents if the students are under 18 years.

### **Fair and Equitable**

- 4.2. All complaints are handled with fairness in accordance with the principles of natural justice. DNA Kingston is committed to ensuring that students do not experience any victimization as a result of making either an informal or formal complaint.

### **Natural Justice**

- 4.3. Duty to act fairly will include – Fairness dealing and No bias. All parties are provided with the opportunity to present their case, be fully informed about allegations and decisions made and have the right to be represented by another person. In addition, a decision maker must have no personal interest, beyond the scope of their role in this process and must be unbiased. If the decision maker cannot meet these requirements they must immediately withdraw from the process. The procedure shall have regard to the duration of an overseas students stay in Australia.

### **Defamation**

- 4.4. A definition for Defamation can include the publication or making of false statements about another, which damage that person's reputation. They can be in the form of libel or slander. Can include defamatory statement spoken, written word, pictures, visual form, broadcasting over radio or television or other transitory form. It is reminded to all parties involved in a complaint and appeal process that they ensure that they limit their public discussions regarding details of the complaint.

### **Dissatisfaction with complaints and appeals processes**

- 4.5. Students can contact Department of Home Affairs the mailbox or through ESOS helpline (02) 62405069. The students may send through a complaint at any point, including if he or she has exhausted the internal and external appeals process. Department of Home Affairs will only intervene where the providers appeals process can not conducted correctly or if the provider did not make the appeals process available to the student.

### **Provision of information to Students**

- 4.6. Information regarding this policy and procedure is provided to students at enrolment, on orientation day, student handbook and on the website.

### **Provision of information to Staff**

- 4.7. Information regarding this policy and procedure are provided to staff through induction, on the z drive, website, Organization manual. Amendments are provided through Staff Memo's on email, staff training and staff meetings.

## **5. Administration**

- 5.1. This policy and related documentation is accessible by students on the DNA Kingston Training website.
- 5.2. Staff will be advised of this policy and related procedures via email and staff information sessions.
- 5.3. Related policies, procedures and documents:
- Complaints and Appeals Policy and Procedure
  - Course Monitoring and Completion Policy and Procedure
  - Transfer of Provider Policy and Procedure
  - Fees and Refund Policy
  - International Student Handbook
  - Deferment, Suspension and Cancellation Standard Operation Procedure(SOP)
  - Application for Withdrawal Form, Application for Deferral Form, Application for Leave of Absence Form, Internal Complaint Form, External Complaint Form

Kingston Training and Employment Pty Ltd



Provider No: 6811 CRICOS Provider No: 02899B

<b>Policy Title</b>	Deferment, Suspension and Cancellation Policy and Procedure
<b>Policy Renewal</b>	Every 2 years
<b>Responsibility</b>	College Manager

### Record of updates and changes

Version No.	Issue Date	Nature of Amendment
Version 02	July 2015	Updated government department names
Version 03	March 2016	Document reformatted
Version 04	October 2018	Major update on Policy Purpose, Policy Scope and Policy Content.
Version 05	July 2020	Department of Home Affairs
Version 06	June 2021	New student management system
Version 07	June 2022	General review