

## TRANSFER OF PROVIDER POLICY AND PROCEDURE

### 1. Policy Purpose

- 1.1. This policy outlines the provision of students transferring from or to another provider prior to the student completing six months of their principal course.
- 1.2. The purpose of this policy is to ensure that:
  - DNA Kingston Training does not enrol transferring students prior to the student completing six months of their principal course of study except for the circumstances outlined in this Course Transfer Policy and Procedure.
  - When a student wishes to transfer from DNA Kingston Training to another provider or to transfer to another course within DNA Kingston Training, DNA Kingston Training will assess the request according to this Policy and Procedure.

### 2. Policy Scope

- 2.1. As a registered provider, DNA Kingston Training must not knowingly enrol a student visa holder wishing to transfer from another provider prior to the student completing six months of his/her principal course. DNA Kingston Training is required to assess all such requests in accordance with Standard 7 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (The National Code) and DNA Kingston Training documented policy and procedures.
- 2.2. This policy applies to students enrolled within all Vocational Education and Training programs offered by DNA Kingston Training.

### 3. Definitions

- 3.1. **Principal Course** - The principal course of study is the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study, i.e. a 'package' of courses. The principal course would normally be the final course of study and that which leads to the highest qualification in the 'package'. Where a study visa has been issued for only one course that course is the student's principal course of study.
- 3.2. **Six months** –six calendar months from the date that the student commences their studies.
- 3.3. **Course Package** - a package of courses included on a student's Visa that usually includes the principle course and any approved pre-requisite courses.
- 3.4. **Letter of release** - A letter provided by a current provider indicating agreement to release a student:
  - who is on a student visa; and
  - has or / has not completed the first 6 months of his/her principal course, to transfer to study at another institution.

It also provides information about whether or not the student:

- demonstrated a commitment to the student's studies during the course; and
- had a good attendance record for the course; and
- paid all fees for the course.

3.5. **Course** - the total period of study for which you have paid tuition fees

3.6. **Commencement of the course**- is inclusive of registration/orientation day.

#### 4. Incoming Student Transfer/Transferring from another registered provider

4.1. In accordance with the National Code 2018, DNA Kingston Training will not knowingly enrol any international student visa holders who seek to transfer from another registered provider's course unless one or more of the following conditions apply:

- the student has completed six months of their principle course or course package
- the original registered provider or course has ceased to be registered or a sanction has been imposed that prevents the original provider from continuing to deliver the principal course;
- the original registered provider has provided a written letter of release (or recorded the date of effect and reason for release in PRISMS), agreeing to such a transfer and stating that the student has demonstrated a commitment to previous studies, has maintained good attendance, and has paid all course fees;
- a government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change;

4.2. DNA Kingston training will not actively recruit a student enrolled with another provider before the student has completed six months of their principle course or course package.

#### 5. Outgoing Student Transfer/Transferring to another registered provider

5.1. For students seeking to transfer to another provider's course of study, a letter of release from DNA Kingston Training is required. At the discretion of DNA Kingston Training, on a case by case basis, transfer requests will be considered in the following circumstances:

- the student can provide evidence that his or her reasonable expectations about the current course are not being met
- the student can provide evidence that the international student was misled by DNA Kingston Training or an education or migration agent regarding DNA Kingston Training or its course and the course is, therefore, unsuitable to their needs and/or study objectives
- DNA Kingston Training does not deliver the course as outlined in the written agreement
- the student can provide evidence of compassionate or compelling circumstances

- the international student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with DNA Kingston Training's intervention strategies
- an appeal (internal or external) on another matter results in a decision or recommendation to release the international student

5.2. A release letter will not be granted where:

- 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 (the student will be advised that the college will revisit the issue within a timeframe negotiated with the student);
- DNA Kingston Training forms the view that the student is trying to avoid being reported to Department of Home Affairs(DOHA) through PRISMS for failure to make satisfactory academic progress or to meet attendance requirements
- The student's reason for applying for a transfer is likely to conflict with the terms of your student visa in Australia.
- The student's transfer will jeopardise your progression through your course(s)
- The student is under 18 years, in which case you will need to provide a letter of support for the change from your parent or legal guardian. Where DNA Kingston Training has responsibility for your guardianship, prior acceptance of that same responsibility by the new provider must be received in writing.
- The student's progress is likely to be academically disadvantaged
- DNA Kingston training is concerned that the student's application to transfer is a consequence of the adverse influence of another party.
- The student has not had sufficient time to settle into their new environment in order to make an informed decision about transfer
- The student has not accessed the College support services which may assist with adjusting to their new environment, including both academic support and School Psychological Services or pastoral support
- College fees have not been paid for the current study period.
- If a student is unable to provide satisfactory evidence that his/her course is academically unsuitable, or that the student cannot provide sufficient evidence that compassionate or compelling circumstances for the transfer exist.
- DNA Kingston Training forms the view that the student is trying to avoid being reported to the Department of Home Affairs (DOHA) for failure to meet the provider's attendance or academic progress requirements;
- The student applies to transfer to another sector (e.g. VET) or another level (e.g. Certificate III, Certificate IV, Bachelor to Diploma)
- If, where the student is in receipt of a packaged CoE, the pathway provider has refused or recommends against the release request.
- DNA Kingston training is not satisfied that the student has demonstrated compassionate or compelling grounds for a transfer

- The transfer may jeopardise the student's progressions through a package of courses; or
  - The intended course will not provide adequate preparation for further study, nor be recognised by higher education providers as meeting their entry requirements and the transfer would be detrimental to the student's future study plans.
- 5.3. Requests for transfer within the restricted period will be refused unless:
- the student has a valid letter of offer of enrolment from another registered provider; and;
  - a student under 18 has written evidence that the student's parent or legal guardian supports the transfer and, if appropriate, written confirmation that the new provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements (as per Standard 5 of The National Code);
- 5.4. The student will be provided with written notification of the outcome of their application for transfer within 10 working days of DNA Kingston Training receipt of the application.
- 5.5. Students enrolled in a package should note that changing their preliminary course(s) may exclude them from admission to their principal course as a preliminary course can be a prerequisite for the principal course.
- 5.6. The approval of transfer of a student to another institution does not remove the requirement for the student to pay any outstanding fees nor does it indicate the agreement to provide any refund. Refunds are governed by the Cancellation and Refund policy, independent of this policy.
- 5.7. All requests for refunds, transfers and deferrals must be made by the student in writing to the Manager and approved by the Director, and should include any relevant or supporting documents. The normal processing time is 10 working days. If the student is under 18 years of age, the request must be made in writing by a parent or legal guardian.

## 6. Transfer of an Under-18 Year Old Student

- 6.1. If the student is under 18 years of age, there must be written evidence that the student's parent or legal guardian supports the transfer and, if relevant, written confirmation that the new provider will accept responsibility for approving a student's accommodation, support and general welfare arrangements (as per Standard 5 of The National Code) before the application can be considered. The welfare period nominated by the new provider must be at least the length of the student's Confirmation of Enrolment (CoE) plus 7 days at the end of the CoE, or until the student turns 18.
- 6.2. Provision of these essential documents does not preclude DNA Kingston Training from refusing to release the student if the college believes the transfer would be to the detriment of the student.

## 7. Procedure

- 7.1. For a request for transfer to be considered, it must be submitted in writing to the Manager, include detailed reasons and supporting evidence for the transfer request. Students will be provided with written advice of the outcome of their request within 10 working days of DNA Kingston Training receipt of the application.

- 7.2. The student will be given the opportunity to discuss the reasons for the request with the Student Support Officer, who will make a recommendation to Director/ Manager, based on what he/she believes to be in the best interests of the student. The Director/ Manager will make the decision as to whether a Letter of Release will be provided to the student, ensuring the reasons are adequately supported by the evidence gathered and documented. The evidence will be retained on the student's file.
- 7.3. Where the transfer request is agreed, a Letter of Release will be granted at no cost to the student. It is the student's sole responsibility to contact the Department of Home Affairs (DOHA) to ascertain whether a new visa is required.
- 7.4. If the request for transfer is refused, DNA Kingston Training will provide the student with written notification of the reasons for refusing the request and advise that he/she is welcome to re-activate the application in accordance with an agreed timeframe. Included will be a reminder of his/her right to appeal against the refusal decision through the Complaints and Appeals Process and that he/she has 20 working days from the nominated date in which to do so. All subsequent processes will be in accordance with that process.

## 8. Process in detail

- 8.1. In all cases, release letters will be issued at the discretion of DNA Kingston Training, on a case by case basis.
- 8.2. If the student has a particular reason for wishing to transfer to another provider before completing 6 months of the principal course at DNA Kingston Training, the case will be assessed on its own merits
- 8.3. The application for a transfer must be accompanied by a letter of offer from the registered provider to which the student wishes to transfer to.
- 8.4. Should the student be granted a release letter by DNA Kingston Training there will be no charge levied for the release letter.
- 8.5. Should the student's transfer to another registered provider require the issue of another student visa, the student will be entirely responsible for acquiring this visa from Department of Home Affairs (DOHA).
- 8.6. Should the student not agree with the decision the student can proceed with DNA Kingston Training Complaints and Appeals process within 20 working days.

## 9. Transfers

- 9.1. Internal transfers
- 9.2. Applications by DNA Kingston Training students to transfer their course or part of their course to another DNA Kingston Training College or our sister college Dental Nursing Australia will be considered on a case by case basis. Please see the Manager for further details.
- 9.3. External transfers
- 9.4. DNA Kingston Training will refund to the signatory of the original written agreement with Student, Parent or Legal Guardian if:
  - you have achieved the published IELTS score for the course you want to study; and

- you have an unconditional acceptance letter from the institution you want to study at; and
- the date you want to leave DNA Kingston Training immediately precedes the commencement date for the course you want to study; and
- you give DNA Kingston Training 5 course weeks' notice in writing, providing evidence of all of the above (this period is not transferable).

9.5. In addition to point 6, if you are under 18 years of age at the time of enrolment the following applies:

- your application to transfer to another institution must be made in writing while you are still at DNA Kingston Training and signed by the person who signed your original enrolment form; and
- Program coordinator must agree that your level of English proficiency is sufficient to enter the course you want to study; and
- you have an unconditional acceptance letter from the institution you want to study at.

9.6. Other conditions:

- The 5-week notice period may be waived at the discretion of DNA Kingston Training.
- Please refer to the refund policy to determine your refund eligibility.
- This agreement does not remove the right to take further action under Australia's consumer protection laws.
- You are reminded you are able to take up DNA Kingston Training Internal Complaints and Appeals processes, which does not circumscribe your right to pursue other legal remedies.
- The Department of Home Affairs (DOHA) through PRISMS will be informed.
- The student's files will be reviewed to ensure final reporting to Department of Home Affairs (DOHA) through PRISMS has been finalised after the 20 working day period has passed.

## 10. Administration

10.1. This policy and related documentation is accessible by students on the DNA Kingston Training website.

10.2. Staff will be advised of this policy and related procedures via email and staff information sessions.

Kingston Training and Employment Pty Ltd



Provider No: 6811 CRICOS Provider No: 02899B

<b>Policy Title</b>	Transfer of Provider Policy and Procedure
<b>Policy Renewal</b>	Every 2 years
<b>Responsibility</b>	Compliance manager

### Record of updates and changes

Version No.	Issue Date	Nature of Amendment
Version 04	July 2014	Updated format and changes to government departments
Version 05	June 2016	Document reformatted
Version 06	October 2018	Changes of document name from Student Transfer to another Provider Policy and Procedure to Transfer of Provider Policy and Procedure Minor changes in Policy Purpose, Scope and Definitions Minor changes in no.4 and no.5 Changes of header and footer
Version 06.1	November 2018	Clarifications made throughout policy
Version 06.2	November 2018	Updated to meet the National Code for Providers of Education and Training to Overseas Students, 1 Jan 2018
Version 07	July 2022	Updated administration processes