

Student Review Requirements & Re-Crediting a FEE-HELP Balance

Definitions

Student: Refers to students, who are Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of study, and who access VET Student Loan for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.

Census Date: A published date, set by the provider, no earlier than 20% of the way through a VET Unit of Study.

Tuition Fees: Fees paid for a VET Unit of Study that is approved for VET Student Loans and applies to students who are, or would be entitled to VET Student Loans.

Unit or VET Unit of Study: A VET unit of study approved for VET Student Loans that a student may undertake with Unity College Australia for which the student may access FEE-HELP assistance to pay for all or part of their tuition fees.

Incurring a VET FEE-HELP or VET Student Loans Debt

A student who is, or would be, eligible for VET Student Loans and has requested Student Loans Assistance, who withdraws from a Unit on or before the census date will not incur a VET FEE-HELP or VET Student Loans debt for the tuition fees for that Unit.

Students who have requested VET Student Loans Assistance who remain enrolled after the published census date will incur a VET Student Loans debt. A student who withdraws from a Unit after the published census date for that Unit will incur a VET Student Loans debt for that Unit.

Students will be informed:

- a student may apply to the provider for the student's FEE-HELP balance to be re-credited under section 68 of the Act because of special circumstances (as outlined in the College Handbook)
- that a student may apply to the Secretary for the student's FEE-HELP balance to be re-credited under section 71 of the Act because:
 - the provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
 - the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student;
- that applications for re-crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by the provider;
- that applications for re-crediting under section 71 of the Act must be made within 5 years after the census day for the course, or the part of the course, concerned, or within that period as extended by the Secretary;

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- the processes available to students in relation to reconsideration and review of decisions whether or not to re-credit FEE-HELP balances;
- that there is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal;
- that the Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if a course provider:
 - is unable to act or is being wound up or has been dissolved; or
 - has failed to act and the Secretary is satisfied that the failure is unreasonable.

Re-crediting a FEE-HELP Balance

Students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to have their FEE-HELP balance re-credited with respect to the Unit if they believe special circumstances apply in accordance with the following procedures. Unity College undertakes that there will be no victimisation or discrimination against a student for seeking a review or reconsideration of a decision, accessing the college's grievances procedures or making an application for the re-credit of their FEE-HELP balance.

Special Circumstances

If a student withdraws from a Unit after the published census date for that Unit, or has been unable to successfully complete a Unit and believes this was due to special circumstances, the student may apply to have their FEE-HELP balance re-credited for the affected unit/s.

Unity College Australia (UCA) will re-credit the student's FEE-HELP Balance if it is satisfied that Special Circumstances apply to the student that were:

- beyond their control, and
- these circumstances did not make their full impact on the student until on, or after the census date; and
- these circumstances were such that it was impracticable for the Student to complete the requirements for the Unit in the period during which the student undertook or was to undertake the unit or course.

For circumstances to be beyond a student's control, the situation should be that which a reasonable person would consider is not due to the student's action or inaction, either direct or indirect, and for which the Student is not responsible. The situation must be unusual, uncommon or abnormal to be considered special circumstances.

Re-credit of a Student's FEE-HELP balance - The process

Each application for re-credit of a student's FEE-HELP balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.

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The Student Services Manager is the designated VET Student Loans officer of UCA. The above officer is responsible for the assessment of a student's request for a re-credit of their FEE-HELP balance due to special circumstances and for the initial decision regarding the request.

1. A Student must apply in writing to the college within 12 months of the withdrawal date, or if the Student has not withdrawn, within 12 months of the specified completion date of the Unit. UCA has the discretion to waive this requirement if it is satisfied that it was not possible for the application to be made within the 12 month period. Relevant supporting documentation will be required to substantiate the claim.
2. The application for re-crediting a FEE-HELP balance must include details of the:
 - Unit(s) for which a student is seeking to have a FEE-HELP balance re-credited and
 - special circumstances as referred to above, including supporting documentation
3. UCA will consider each application within 45 days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of the relevant Act and associated Rules. Applicants will be notified in writing of the decision within 10 working days.

Review of Decision

4. Where UCA makes a decision NOT to re-credit a student's FEE-HELP balance, that decision may be subject to review.
5. If a student is not satisfied with the decision made by UCA the student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The application for review must:
 - be made within 28 days of receipt of the original decision
 - include the date of the original decision
 - state fully the reasons for applying for the review
 - include any additional relevant evidence
 - There is no charge for internal reconsideration or review of decisions made by the college.
6. Applications should be made in writing to The Principal as the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance.

Note: The Review Officer is senior to the designated VET Student Loans officer responsible for the original decision and was not involved in making the original decision to be reviewed.

7. The Review Officer will:
 - acknowledge receipt of the application for review of a decision in writing within 10 working days; and

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- inform the student that if the Review Officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the Review Officer has confirmed the original decision.
8. The Review Officer will then:
- review the information from the original decision and then assess any new evidence provided by the student
 - provide written notice to the Student of the decision, setting out the reasons for the decision
 - inform the Student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved (see below).
 - Note: at any time during this process the student is able to contact the VET Student Loans Ombudsman for advice concerning their situation

Reconsideration by the Administration Appeals Tribunal

At the time of the original decision, and at the time of the subsequent Review Decision, the student will be notified of their review rights and responsibilities. The relevant officer will inform a Student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. The Application must be lodged at the AAT within 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT.

AAT Details

Administrative Appeals Tribunal
4th Floor, Canberra House
40 Marcus Clarke Street
Canberra City ACT 2600

Note: Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au. An application fee may have to be paid. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT. Refer to the AAT website for more details.

The Secretary of the Department of Education and Training (DET), or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon the Department's receipt of a notification from the AAT, DET will notify UCA that an appeal has been lodged. Upon receipt of this notification from DET, the Review Officer will provide DET with copies of all the documents that are relevant to the appeal within ten (10) business days.

Publication

This Student Review VFH/VSL Policy & Procedure is also noted in the following Unity College Australia documents:

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- Handbook (publicly available at www.unity.edu.au)
- Staff Handbook
- Student Information (VET FEE HELP/VET Student Loans) at www.unity.edu.au

Publication

This policy and the procedure is published on the Unity College Australia website www.unity.edu.au to ensure Students have up to date and accurate information publicly available to them.