

STUDENT FEES RE-CREDITING POLICY AND PROCEDURE

INTRODUCTORY

Purpose

The purpose of this policy and procedure is to outline the requirements for re-crediting of fees (all or part of which are the subject of a VET Student Loan (VSL)) for a course with Evolve College Pty Ltd (RTO 41035) (referred to as “Evolve College” or “the provider”).

VET Student Loans approved course

Evolve College is an approved provider of the following course (“approved course”):

- HLT52015 Diploma of Remedial Massage
- HLT52021 Diploma of Remedial Massage

This policy and procedure relates to the re-crediting of fees (that are subject to a VSL) in respect of the above approved course, as set out in this policy and procedure.

1 GENERAL POLICY

The following applies:

- a) A student’s HELP or FEE-HELP balance can be re-credited under Part 6 of the VET Student Loans Act 2016 (“the Act”).
- b) A student may apply to Evolve College for the student’s HELP or FEE-HELP balance to be re-credited under section 68 of the Act because of special circumstances, in accordance with this policy and procedure.
- c) A student may apply to the Secretary for the student’s HELP or FEE-HELP balance to be re-credited under certain circumstances as set out in this policy and procedure.

2 RE-CREDITING BY EVOLVE COLLEGE FOR SPECIAL CIRCUMSTANCES

2.1 Re-crediting by Evolve College

The following applies:

- a) Section 68 of the Act provides for re-crediting of a student’s HELP or FEE-HELP balance by a provider on behalf of the Secretary in special circumstances.
- b) An application for re-crediting of a student’s HELP or FEE-HELP balance must be made by the student using the Evolve College Special Consideration Request Form. If approved by the Executive Manager

Operations, at that manager's discretion, the requirement for a Special Consideration Request Form may be waived in the case of a particular student.

- c) 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.
- d) Where Evolve College is satisfied that special circumstances apply, the provider must re-credit the person's HELP or FEE-HELP balance with an amount equal to the VET Student Loan that has been used to pay the tuition fees for the course or part of the course.
- e) Evolve College must, on the Secretary's behalf, re-credit a student's HELP or FEE-HELP balance if:
 - a. the student applies to the provider in writing for the re-credit, and
 - b. the application is made:
 - i. within 12 months after the census day for the course, or the part of the course, or
 - ii. within such longer period for the application as allowed by the provider, and
 - c. the provider is satisfied that "special circumstances" prevented, or will prevent, the student from completing the requirements of the course or the part of the course.
- f) The Executive Manager Operations must cause any re-crediting of a student's fees to be recorded on the Fee Revisions Register.

2.2 Application period for a deferred enrolment

Where Evolve College allows a person to defer completion of their studies regarding a course, or part of a course, the 12-month application period applies from the end of the extended period for the course.

2.3 Refund of other payments

Evolve College may at its discretion refund any other payments the person made in respect of the course. Evolve College will use the 'special circumstances test' (defined as per section 3.1 below) in deciding whether to refund any such upfront payments made by the student.

3 SPECIAL CIRCUMSTANCES

3.1 Meaning of 'special circumstances'

Circumstances are special circumstances under the Act, if a student can demonstrate to the satisfaction of Evolve College that the circumstances were:

- a) beyond the student's control;
- b) did not make their full impact on the student until on, or after, the census day for the course, or the part of the course; and

- c) made it impracticable for the student to complete the requirements for the course, or part of the course, during the student's enrolment.

3.2 Special circumstances beyond a person's control

Without limiting the definition of 'special circumstances', examples of circumstances that may be considered beyond a person's control might include a motor vehicle accident or the worsening of a serious illness.

3.3 Special circumstances that 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 day for the VET unit of study if the person's circumstances occurred:

- a) before the census day, but worsen after that day;
- b) before the census day, but the full effect or magnitude did not become apparent until after that day; or
- c) on or after the census day.

Students do not need to demonstrate they were unable to withdraw from the course prior to the census day.

3.4 Special circumstances arising from pre-existing conditions

The following applies:

- a) Evolve College may at its discretion consider that a circumstance that first occurred before the census day may satisfy the special circumstances requirement where it worsens after that day or the full effect or magnitude does not become apparent until after that day. Evolve College will take into account all relevant circumstances in determining whether special circumstances exist.
- b) As an example, a person may have an illness or other underlying, pre-existing condition or incapacity prior to the census day for a course, but that condition may worsen, or the person may suffer from an aggravation, deterioration or serious episode, after the census date.
- c) Alternatively, the full implications of a person's condition may not have been apparent until after the census day. This may be because recovery does not go to plan, or the degree of disability or incapacity for study is not fully realised until after the census day.
- d) In making its decision, Evolve College must consider whether the person's circumstances changed on or after the census day and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-

existing condition that may have affected the person on or after the census day.

3.5 Special circumstances that made it impracticable to complete a course

The following applies:

- a) The term 'impracticable' is defined as 'not practicable, that which cannot be put into practice with the available means'.
- b) Evolve College shall consider this definition when deciding whether a student's circumstances made it impracticable for them to complete a course, or part of a course.
- c) In considering whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements of the course, or part of the course, during the student's enrolment, Evolve College must consider:
 - a. whether the student could do enough private study, or attend training sessions and other activities, or engage online, to meet course requirements;
 - b. whether the student could complete any required assessable work, or demonstrate competencies required; and
 - c. whether the student could complete any other requirements arising from the student's inability to do the above.

3.6 Examples of impracticability

Circumstances that would make it impracticable for the person to complete the requirements for their course may include (among other things):

- a) 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;
- b) family or personal circumstances – for example death or severe medical problems within a family, or unforeseen family financial difficulties which affect the student to such an extent that it is unreasonable to expect a person to continue studies; or
- c) the student's employment related circumstances – for example where a person's employment status or arrangements have changed so the person is unable to continue their studies and this change is beyond the person's control.

3.7 Requirements for making decisions

Evolve College shall consider a student's application for a re-credit as soon as

practicable and must notify the student of its decision and the reasons for making the decision.

3.8 Availability of review

Decisions regarding re-crediting a person's HELP or FEE-HELP balance are reviewable, and the following applies:

- a) There are processes available to students in relation to reconsideration and review of decisions whether or not to re-credit HELP or FEE-HELP balances, including relevant time limits that apply (see Appendix E). See the Complaints and Appeals Policy and Procedure and the Student Review Policy and Procedure, both of which are downloadable from our website at www.evolvecollege.com/policies.
- b) There is no charge to students for the reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal (AAT).
- c) The time limit for applying for a review of a decision is 28 days after the day on which the student was notified of the decision.

4 RE-CREDITING BY THE SECRETARY

The following applies:

- a) A student may apply to the Secretary for the student's HELP or FEE-HELP balance to be re-credited under section 71 of the Act on the grounds that:
 - a. 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
 - b. the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.
- b) 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.
- c) The Secretary of the Department of Education and Training may re-credit a student's HELP or FEE-HELP balance in relation to special circumstances if an approved 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.