

CET Student Request for Change of Provider Guidelines 2020

Statement of intent

This guidelines document:

1. (a) specifies the University of Sydney Centre for English Teaching requirements for international students seeking permission to transfer to another education provider during their enrolment at CET;
2. (b) sets out the circumstances in which the CET will and will not grant such permission; and
3. (c) meets the requirements of the **National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)**, with particular reference to Standard 7 Overseas Student Transfers:
 - *“This standard sets out that registered providers must not knowingly enrol an overseas student wishing to transfer from another registered provider’s course prior to the student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except in certain circumstances.”*

Application

1. These guidelines apply to international students who:
 - (a) hold a temporary student visa;
 - (b) are currently enrolled at the Centre for English Teaching in a CRICOS-registered course;
 - (c) have not accepted a firm offer, or an offer for a package of programs, to study at the University of Sydney; and
 - (d) wish to transfer to another provider before completing course of study at CET.
2. These guidelines do not apply to:
 - (a) students whose CET Offer was packaged with an Offer from the University of Sydney for a degree course. For these students seeking release from their degree course, the relevant University of Sydney Policy and Procedures apply);
 - (b) students on other temporary visas;
 - (c) domestic students; or
 - (d) student visa holders wishing to transfer to an alternate course at the Centre for English Teaching.

Process

1. The student must request a change of provider by email to the relevant CET Education Manager and must provide with this request:
 - a. reasons for wanting to change provider; and
 - b. evidence of an unconditional Offer from another CRICOS-registered provider for a CRICOS-registered course; and

- c. permission for CET to contact the proposed new registered provider to confirm the offer made by it to the student.
2. The CET Education Manager forwards this request, with his/her recommendations to the CET Deputy Director Teaching & Learning and to the CET Deputy Director Operations.
3. The CET Deputy Directors decide whether to accept the request.
 - a. Generally the decision will be taken by both Deputy Directors in consultation with each other.
 - b. In the absence of one Deputy Director, the other Deputy may make the decision but will consult with the following CET staff (or their nominees) before reaching the decision:
 - i. relevant Education Manager:
 - ii. the Business Development & Partnerships Manager; and
 - iii. the Enrolment Services Manager.
4. CET will use its best endeavours to process and determine such applications within 10 working days of lodgement with the relevant CET Education Manager.
5. The decision is relayed to the relevant CET staff (e.g. Education Manager, Enrolment Services Manager, Finance Manager) and is communicated to the student by email within 10 working days.
6. Where the request is granted:
 - a. In the case of an approval of the student's request to change providers, CET will notify the Department of Home Affairs via PRISMS, if necessary, that the student has changed education providers.
 - b. As per National Code 2018 7.4:
 - i. *"If a release is granted, it must be at no cost to the overseas student and the releasing registered provider must advise the overseas student to contact Immigration to seek advice on whether a new student visa is required."*
7. Where the request is refused, the student can lodge a formal complaint within a 20 working day period in an email to studentaffairs@sydney.edu.au that includes:
 - a. His/her full name (given name, family name)
 - b. His/her CET student ID (indicating that s/he is a CET student)
 - c. The class s/he are in (e.g. DEC15 or Global English)
 - d. His/her University Unikey
 - e. Details of his/her complaint
8. A formal complaint will trigger the CET complaint resolution and escalation process outlined under "Complaints" at www.sydney.edu.au/cet/policies. Further details of the appeal process are under "Appeals" below

- a. Since the decision-makers for the request are the Deputy Directors of CET, the complaint will be escalated to the Director of CET who will:
 - i. request reasons and evidence concerning the request from the student;
 - ii. decide whether to uphold the appeal or refuse it;
 - iii. communicate the outcome to student within 10 working days of receipt of the formal complaint
9. Where there the student is exercising internal or external appeal rights, as per National Code 7.6:
- a. CET will not *“not finalise the student’s refusal status in PRISMS until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20-working day period, or the overseas student withdraws from the process.”*

Criteria for Decision-Making

1. The decision-makers at CET will have regard to the following two conditions:
 - a. The existence or otherwise of **compassionate and compelling circumstances that are** circumstances generally beyond a student’s control which have a significant impact upon a student’s course progress or wellbeing. These circumstances include:
 - (a) In the case of Provider Default (National Code 2018: 3.4.4) where the CET course for which CET has issued an eCoE to a student will no longer be offered or has ceased to be registered on CRICOS;
 - (b) There has been a demonstrated material mismatch between the course offered and the student’s reasonable expectations of the course, based on the information provided by CET or its authorised representatives as per National Code 2018 7.2.2.5:
 1. *“there is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives”*
 - (c) In the view of the Deputy Director Teaching & Learning, a release to another education provider is in the student’s best interests due to course progress considerations as per National Code 2018 7.2.2.1:
 1. *“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 (Overseas student visa requirements)”*

(d) The Deputy Director Teaching & Learning and the Deputy Director Operations agree that as per National Code 7.2.2.4:

1. *“there is evidence that the overseas student’s reasonable expectations about their current course are not being met”*

(e) As per National Code 2018 7.2.2.6:

1. *“an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.”*

b. The existence of otherwise of a valid and unconditional offer of admission from a CRICOS registered provider

A request for a change of provider will be refused if these two conditions are not met.

Additional requirements for students under 18 years of age

A student under 18 years of age who requests a release letter under this policy must also provide the following with their application:

1. written confirmation that the student’s parent or legal guardian supports the transfer; and
2. if the student is not being cared for in Australia by a parent or suitable nominated relative, the firm offer must also confirm that the registered provider will accept responsibility for approving the student’s accommodation, support and general welfare arrangements consistent with the National Code 2018.

Circumstances where a release will not be granted

1. CET will not issue a release letter if:
 - a) the transfer would result in a breach of the student’s mandatory or discretionary visa conditions; or
 - b) the transfer would be detrimental to the student; or
 - c) for students who are under 18 years of age, confirmation of suitable welfare arrangements has not been received by CET from the other Provider; or
 - d) no firm offer from another CRICOS registered provider has been supplied; or
 - e) the request for change of provider is a decision for the University of Sydney e.g. for a pathway student where admission entry requirements have been met for the first nominated course preference; or

- f) the student has already been identified for unsatisfactory attendance of under 80% attendance for the total enrolment period and has received advice to this effect; or
- g) the student has had their CET enrolment cancelled in PRISMS for unsatisfactory attendance or unsatisfactory progression; or
- h) CET decision-makers are satisfied that the student intends to return to their home country; or
- h) The student has an outstanding debt to the Centre for English Teaching (debts include all outstanding tuition and other course fees)

Note: Any intention by a student to return to their home country will require a cancellation of the temporary student visa connected to Centre for English Teaching.

2. If the CET declines to issue a release letter it will provide the student with:
 1. a written statement of reasons for doing so; and
 2. information about the student's right to appeal the decision by lodging a formal complaint in an email to studentaffairs@sydney.edu.au and an explanation of the appeal process

Records

1. The student must retain a copy of all correspondence for his/her own records.
2. As per National Code 2018 7.7:
 - a. *CET "must maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student. "*

Transfer of fees to another education provider

1. There is no entitlement to a refund of course fees or non-tuition course fees to the student for a transfer to another ELICOS provider as per the Terms & Conditions (www.sydney.edu.au/cet/terms) under Clause 13 Cancellations, Deferrals, Refunds, and Transfers (xiii) viii:
 - i. *"No refund will be made to another student, or if you transfer to another ELICOS provider."*
2. At its sole discretion, CET may make a ex gratia transfer of any remaining tuition fees to the same person or party from whom the payment was received on behalf of the student and to the original account from which CET received the funds.

Appeals

1. A student whose application for a letter of release is refused may lodge an appeal via sending an email with a formal complaint to studentaffairs@sydney.edu.au.
2. Students may appeal on the basis of alleged failure of due process only. CET will not consider appeals based solely on the outcome of the release application.
3. Students must set out in their written appeal their reasons for believing that due process has not been observed in the consideration of their release application.
4. Appeals will be considered by the CET Director who will assess whether an appeal has been validly made under this clause and must notify the student if this assessment determines that the appeal was not validly made.
5. Except at the absolute discretion of the person considering the appeal:
 - (a) appeals will be conducted on the basis of written material; and
 - (b) the scope of an appeal will be limited to a review of the release application process.
6. Where reasonable, the appeal should be considered within 10 working days of its lodgement.
7. Where 10 working days is not reasonable, the CET Director will advise the appellant of the reasons for the delay, and of the projected timeframe for consideration of the appeal.
8. At the conclusion of the appeal, the person considering the appeal must provide the appellant with a written statement of the outcome of the appeal, including:
 - a) reasons for the outcome;
 - b) details of any rights to make an external appeal

External Appeal

1. A student who is not satisfied with the outcome of an internal appeal may lodge a further appeal with the NSW Overseas Students Ombudsman.
2. A student lodging an external appeal must inform the CET Director of their intention to do so, in writing along with evidence of the NSW Overseas Students Ombudsman having received this appeal, within 10 working days of being informed of the outcome of the internal appeal.

Related Documents

INTERNATIONAL STUDENT CHANGE OF PROVIDER POLICY 2016

Authorised by: Katherine Olston, Director, Centre for English Teaching
Date determined: 3rd February 2020
Date effective: 4th February 2020
Date of review: 4th February 2022