

# PROCEDURE

PPMF | TAFESA | 52

## Title

International Students - ESOS Compliance Procedure March 2013

## Contact Officer

Name

Chris Haas

Phone

(08) 8463 5386

Position Title

Manager: International Operations

Email Address

chris.haas@tafesa.edu.au

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TAFE SA Procedures are issued under the TAFE SA Policy and Procedure Management Framework. They are binding on all TAFE SA employees.

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## 1 Purpose

This ESOS Compliance Procedure (International Students) establishes the procedures requirements for TAFE SA in providing services to overseas students under the Education Services for Overseas Students (ESOS) framework (principally comprising the *ESOS Act 2000*, *ESOS Regulations 2001*, *National Code 2007* and corresponding Commonwealth and State legislation).

## 2 Outcome

The TAFE SA ESOS Compliance Procedure confirms TAFE SAs commitment to compliance with these requirements as a CRICOS registered provider drawing on the definitions and guidelines provided in relevant national regulatory publications. This Procedure and supporting procedures support TAFE SA and its staff in the provision of services to overseas students.

## 3 Scope

This procedure ensures the marketing, enrolment and provision of courses by TAFE SA to overseas students is undertaken in accordance to the organisation's Commonwealth Register of Institutes and Courses for Overseas Students (CRICOS) registration requirements. The *ESOS Act* and *National Code 2007* provide the nationally consistent standards for registration and for the conduct of CRICOS registered providers.

The following regulatory documents should be considered in conjunction with this procedure:

- *Education Services for Overseas Students (ESOS) Act, 2000*  
([www.comlaw.gov.au/Details/C2010C00171](http://www.comlaw.gov.au/Details/C2010C00171))
- *The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code 2007)* <https://www.aei.gov.au/Regulatory-Information/Education-Services-for-overseas-students-esos-legislative-framework/national-code/Pages/default.aspx>
- *Education Services for Overseas Students (ESOS) Regulations, 2001*  
(<http://www.comlaw.gov.au/Details/F2009C01291>)
- VET Quality Framework (VQF)/ASQA (Regulator for VET)  
<http://www.asqa.gov.au/about-asqa/national-vet-regulation/vet-quality-framework.html>
- TEQSA (Regulator for Higher Education)  
<http://www.teqsa.gov.au/>

The [TAFE SA international intranet](#) site provides supporting information on this Procedure and relevant procedures for TAFE SA staff.

Procedural requirements related to each of the following procedure statements aligned to the ESOS Standards are provided in Item 6; 'Procedures' or contained within separate policy or procedure documents.

#### 4 Definitions

|                                       |   |
|---------------------------------------|---|
| Admissions                            | This includes the provision of course information, application processes, merit based selection and enrolment. Students are expected to actuate the enrolment process on being given an offer to a course and the relevant enrolment information.   |
| Assessing                             | Requires the provider to consider a student's demonstrated achievement, progress or competency  |
| Confirmation of Enrolment (COE)       | a document, provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. The CoE confirms the student's eligibility to enrol in the particular course of the registered provider.  |
| CRICOS                                | The Commonwealth Register of Institutions and Courses for Overseas Students is an Australian Government register where every provider that seeks to recruit, enrol or teach overseas students, or to advertise their ability to do so, must be registered. CRICOS lists all providers registered to offer courses to people studying in Australia on student visas and the courses offered.                                       |
| DIAC                                  | The Department of Immigration & Citizenship   |
| ELC/ELICOS                            | TAFE's English Language Centre offering English Language Intensive Course for Overseas Students   |
| ESOS Act 2000                         | Education Services for Overseas Students Act  |
| ESOS Framework                        | Education Services for Overseas Students Act, 2000, ESOS Regulations 2001, ESOS Registration Charges Act 1997 and the National Code 2007.   |
| International student                 | A student who is enrolled or prospective student planning to enrol at TAFE SA who is an 'overseas student' as defined by being a holder on an International Student Visa.   |
| National Code                         | The National Code of Practice for Registering Authorities and Providers of Education and Training to Overseas Students 2007   |
| Office of the Training Advocate (OTA) | The South Australian Office of the Training Advocate is an external authority which offers a personalised support and advocacy service for international students studying in South Australia to pursue any complaints, grievances and appeals, should the internal TAFE SA mechanism not be enough.  |
| Principal course of study             | The principal course of study refers to the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a visa that covers multiple courses. In these instances a student would have more than one Confirmation of Enrolment. |
| PRISMS                                | The Provider Registration & International Student Management System is the system used to process information given to the Secretary of DEEWR by registered providers.  |
| Recognition of Prior                  | RPL is an assessment process that assesses the individual's non-  |

|                                  |  |
|----------------------------------|--|
| Learning (RPL)                   | formal and informal learning to determine the extent to which that individual has achieved the required learning outcomes or competency standards.<br>Recognition of Prior Learning is referred to as 'course credit' and/or 'academic credit' under the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, 2007, (The National Code). |
| Registered Provider              | As defined in section 5 of the ESOS Act, the registered provider for a course for a state, means an approved provider that is registered on CRICOS as a provider for the course for the state.   |
| Student File/Student Record:     | Records will be held in accordance with the Records Management Policy and can be held in one or more locations e.g. Program Area or International Unit.  |
| Tuition Protection Service (TPS) | Is a placement and refund service for international students. From 1 July 2012, the TPS replaces the Tuition Assurance Scheme and the ESOS Assurance Fund.   |

## 5 Associated Documents

|                  |  |
|------------------|--|
| PPMF TAFESA 85   | International Student Tuition Fee Refund Procedure                                       |
| PPMF TAFE SA 100 | International Student Tuition Fee Refund Policy  |
| SOPs             | International Unit's Admissions, Finance & Student Support Standard Operating Procedures |
| Procedure        | Agent Training Manual  |
| Procedure        | International Education Agent Appointment and Management Procedures                      |

## 6 Procedure Details

### 6.1 Procedure Mandate

TAFE SA is committed to establishing appropriate procedures for the provision of services to overseas students that meet the legislative requirements under the Education Services for Overseas Students (ESOS) framework, specifically National Code, Part D, Standards 1 – 15.

TAFE SA will ensure that:

#### Marketing Information and practices

marketing of education and training services is professional, accurate and maintains the integrity and reputation of the industry.

#### Student engagement before enrolment

the recruitment of students is undertaken in an ethical and responsible manner and provides information that enables students to make informed decisions about studying with TAFE SA in Australia. TAFE SA will ensure students' qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.

**Formalisation of enrolment**

written agreements between TAFE SA and students set out the services to be provided, fees payable and information in relation to refunds of course money.

**Education agents**

all reasonable measures are taken to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and do not use education agents who are dishonest or lack integrity.

Maintain an up to date register (online) of all ESOS accredited agents available (TAFE SA website).

**Younger students**

where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, arrangements are made to protect the personal safety and social well-being of those students.

**Student support services**

students are supported to adjust to study and life in Australia, to achieve their learning goals and to achieve satisfactory academic progress towards meeting the learning outcomes of the course.

**Transfer between registered providers**

requests from students for a transfer between registered providers prior to the student completing six months of his or her principal course of study is done in accordance with documented procedures.

**Complaints and appeals**

complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

**Completion within the expected duration of study**

students workloads are monitored to ensure they complete the course within the duration specified in their Confirmation of Enrolment (CoE) and do not exceed the allowable portion of online or distance learning. TAFE SA only enables students to extend the expected duration of study for the course through the issuing of a new CoE (in limited circumstances).

**Monitoring course progress**

Registered providers systematically monitor students' course progress. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet their course progress requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the course progress requirements.

**Monitoring attendance**

students' compliance with student visa conditions relating to attendance is systematically monitored. TAFE SA is proactive in notifying and counselling overseas students who are at risk of failing to meet attendance requirements. TAFE SA will report students under Section 19 of the ESOS Act who have breached attendance requirements.

**Course credit**

course credit is recognised within the ESOS framework.

**Deferring, suspending or cancelling the student's enrolment**

students may only defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

**Staff capability, educational resources and premises**

staff are suitably qualified or experienced in relation to the functions they perform for students. The educational resources of TAFE SA support the delivery of courses to students. The premises of TAFE SA, including the floor space available for each student, support students to achieve their course outcomes

**Changes to registered provider's ownership or management**

the designated authority is proactively informed of prospective ownership and/or management changes.

The following procedures outline the processes that are to be followed across all of TAFE SA.

**6.2 Marketing of education and training services is professional, accurate and maintains the integrity and reputation of the industry.**

TAFE SA will market its services to international students in compliance with current TAFE SA marketing guidelines.

Marketing activities are also supported by the TAFE South Australia International Guidelines which provide procedures for implementing the visual identity and standards against the National Code.

**6.3 Recruitment of students is undertaken in an ethical and responsible manner and provides information that enables students to make informed decisions about studying with TAFE SA in Australia. TAFE SA will ensure students' qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.**

6.3.1 Prior to accepting a student, or an intending student, for enrolment in a course, TAFE SA must provide, in print or through referral to an electronic copy, current and accurate information regarding but not limited to:

- requirements for acceptance into a course, including the minimum level of English language proficiency, educational qualifications or work experience required and whether course credit may be applicable
- the course content and duration, qualification offered if applicable, modes of study and assessment methods;
- campus locations and a general description of facilities, equipment, and learning and library resources available to students;
- details of any arrangements with another registered provider, person or business to provide the course or part of the course;
- indicative course-related fees including advice on the potential for fees to change during the student's course and applicable refund policies;
- information about the grounds on which the student's enrolment may be deferred, suspended or cancelled;
- a description of the ESOS framework made available electronically by DEEWR; and
- relevant information on living in Australia.

6.3.2 TAFE SA will receive overseas student applications via Fax, Email or Hardcopy or online via the TAFE South Australia International website.

- 6.3.3 TAFE SA International will assess all applicants against the Course Admissions Requirements (CAR) to ascertain student eligibility. Application procedures are detailed in the TAFE SA International Standard Operating Procedures available on the [TAFE SA intranet site under 'International/ policy and procedures'](#).
- 6.3.4 All applicants will be notified of the assessment outcome. Unsuccessful applicants will be advised of the reason/s the application was deemed unsuccessful and where possible provided alternate options.
- 6.3.5 All documentation relating to student applications are maintained in accordance to TAFE SA International Standard Operating Procedures.

#### **6.4 Written agreements between TAFE SA and students set out the services to be provided, fees payable and information in relation to refunds of course money.**

- 6.4.1 TAFE SA must enter into a written agreement with the student, signed or otherwise accepted by that student concurrently with or prior to accepting course money from the student.
- 6.4.2 **The agreement (Letter of Offer) must** contain detailed information on:
- detailing information on course
  - course name
  - campus location
  - commencement & completion dates
  - orientation dates
  - total fees payable (itemised)
  - conditions student is required to meet if they have not already
  - payment advice outlining fees immediately payable with details on how students can make payment
  - Refund Policy, Refund Table and Acceptance of Offer
  - Reference to or copy of Conditions of Enrolment
  - ESOS Framework
- 6.4.3 All documentation relating to a student Letter of Offer must be maintained in accordance to TAFE SA International Standard Operating Procedures.
- 6.4.4 Standard Operating Procedures for generating Letter of Offer are available on the [TAFE SA intranet site under 'International/ policy and procedures'](#).

#### **6.5 Reasonable measures are taken to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and do not use education agents who are dishonest or lack integrity.**

- 6.5.1 TAFE SA must enter into a written agreement with each ESOS defined education agent it engages to formally represent it. The agreement must specify the responsibilities of the education agent and the registered provider and comply with the requirements in the National Code.

The agreement must include:

- processes for monitoring the activities of the education agent, including where corrective action may be required; and

- termination conditions, including providing for termination of agreement where required.

6.5.2 Education agents will be referred to the TAFE South Australia International website and International Prospectus to ensure access to up-to-date and accurate marketing information.

6.5.3 TAFE SA will not accept students from an education agent or enter into an agreement with an education agent and may terminate the relationship on the following grounds:

- engaged in, or to have previously been engaged in, dishonest practices
- facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa
- using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than a bona fide student
- providing immigration advice where not authorised under the Migration Act 1958 to do so.

6.5.4 A current list of approved agents must be maintained on the TAFE South Australia website including primary agent contact details.

6.5.5 Standard operating procedures for the selection, assessment and management of recruitment agents for TAFE South Australia are outlined in the Agent Appointment & Management Procedures

6.5.6 All documentation relating to the selection, assessment and management of recruitment agents must be maintained in accordance to TAFE SA International Agent Appointment & Management Procedures

## **6.6 Where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, arrangements are made to protect the personal safety and social well-being of those students.**

Any international student applying to study at TAFE SA has to be at least 18 years of age at the commencement date of the course applied for, in line with the Date of Birth appearing on the student's passport.

Exemptions to accept under 18 year olds will only be considered in writing, where exceptional circumstances exist, by the Principal Executive Officer (PEO) of TAFE South Australia.

The Educational Manager of the Program wishing to enrol students who are under aged, must first seek advice from TAFE SA International on the ESOS compliance and National Code 2007 standards related to enrolling under 18 year olds in the program.

The Educational Manager of the Program wishing to enrol students who are under aged and the Executive Director must assure the PEO in writing the following, for the PEO to ascertain if an exception can be made:

### 6.6.1 Legal Guardianship

1. The Educational Manager (EM) will be the legal guardian for the Under 18 year old/s seeking enrolment in the program area and will be available to the individual/s 24/7. In the absence of the EM who is the legal guardian, another TAFE SA representative will need to be identified.
2. The EM will provide written information on the following matters to the PEO:
  - a. the names and contact details of the student/s
  - b. his/her/their country/countries of origin

- c. his/her/their home country contact details
- d. contact details of his/her/their respective parents/legal guardian/custodian
- e. when he/she/they will turn 18 years of age
- f. length of time the welfare arrangements will be for - this includes the accommodation arrangements as well.

#### **ESOS Requirements – Accommodation Arrangements**

3. The EM will make appropriate, safe and secure accommodation arrangements for the under 18 student/s and inform the PEO in writing of these arrangements.
  - a. The EM will undertake in writing that he/she will do regular checks on the accommodation that has been selected for the student/s and provide the PEO with monthly updates on the checks that have been made.
  - b. In the event that the accommodation is found unsuitable for any reason, the EM must be able to provide alternative accommodation immediately and notify the PEO in writing, of the new accommodation arrangements.
  - c. The EM must advise TAFE South Australia International and the PEO as soon as possible of any changes to the student's living arrangements.
  - d. The PEO will subsequently notify DIAC immediately of these changes using the PRISMS pro forma letter.

#### **ESOS Requirements – Police Clearance of Legal Guardians and Hosts**

4. The PEO needs to be provided with evidence of police clearance as defined by the ESOS Act 2000, as well as the TAFE SA policy for prescribed positions.

#### **6.6.2 Delivery of training through a third party to international student under the age of 18**

Where TAFE SA delivers training through a third party to international student under the age of 18 clear procedures will be agreed and written into the contract between TAFE SA and the their party to protect the personal safety and social well-being of those students.

The contract must, as minimum, provide the following:

- Where the registered provider has taken on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for a student who has not turned 18, the registered provider must:
  - nominate the dates for which the registered provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements using the specified PRISMS pro forma letter;
  - advise DIAC in writing of the approval using the specified PRISMS pro forma letter;
  - have documented procedures for checking the suitability of the student's accommodation, support and general welfare arrangements; and
  - advise DIAC as soon as possible in the event that the under-18 year old student has changed his or her living arrangements or the registered provider no longer approves of the arrangements for the student using the specified PRISMS pro forma letter.

#### **6.7 Registered providers support students to adjust to study and life in Australia, to achieve their learning goals and to achieve satisfactory academic progress towards meeting the learning outcomes of the course.**

- 6.7.1 TAFE SA must assist students to adjust to study and life in Australia, including through the provision of an age and culturally appropriate orientation programme that includes information about:

- a. student support services available to students in the transition to life and study in a new environment;
- b. legal services;
- c. emergency and health services;
- d. facilities and resources;
- e. complaints and appeals processes; and
- f. any student visa condition relating to course progress and/or attendance as appropriate.

6.7.2 International students studying at TAFE SA are made aware of, and provided with a range of student support services, including but not limited to:

### **Orientation**

Orientation program that includes information about, but not limited to the range of services as listed above 6.6.1, a-f.

a. **Accommodation**

Provision of an Accommodation Placement service to International Students.

b. **Airport Reception**

Provision of an Airport Reception service to International Students.

c. **Social**

Implement an International Social activities program

d. **English Language**

e. **Learning Support**

Services may include:

assignment, report and essay writing

- a. course terminology
- b. English as a second language (ESL)
- c. learning and
- d. listening skills
- e. mathematics
- f. note taking
- g. preparation for an oral exam
- h. planning
- i. preparation for tests and exams
- j. preparation for STAT and vocational entry
- k. reading and writing skills
- l. research skills
- m. proofreading
- n. student/lecturer liaison
- o. time management
- p. tutor support for specific course content
- q. using the computer and internet.

f. **International Student Counselling**

The TAFE SA International Student Support Coordinator is the designated point of contact for international students. Manager and Manager: International Operations are alternate points of contact in the event of emergency or critical incident. The TAFE SA International Student Support Coordinator would counsel international students regarding:

- Accommodation Issues
- Study Pathways
- Visa Issues
- Deferral of Studies.

The International Student Support Coordinator would not counsel international students regarding:

- Mental Health Issues
- Criminal Matters (regardless of the nature)
- Sexual Health Matters.

Students should be referred to a Student Counsellor in Student Services, who could in turn refer the student in an appropriate manner.

6.7.3 TAFE SA must have a documented critical incident policy together with procedures that covers the action to be taken in the event of a critical incident, required follow-up to the incident, and records of the incident and action taken. International Students and relevant staff are provided with the Official Points of Contact for incidents such as but not limited to an emergency or critical incident. Refer to TAFE SA Critical Incident Policy PPMF | TAFESA | 42 and international intranet for the Critical Incident Protocol for international students.

## **6.8 Registered providers assess requests from students for a transfer between registered providers prior to the student completing six months of his or her principal course of study in accordance with their documented procedures.**

All requests from a student seeking to transfer will be assessed by TAFE SA International who will in turn advise the relevant Program Area accordingly.

### **6.8.1 Releasing a student to transfer to another education provider**

- Students wishing to apply to transfer to another provider via a 'letter of release' need to apply in writing to TAFE SA International.
- After a six month period, no restriction for transferring to another provider applies other than those regarding charges applied to students' account in accordance to the TAFE South Australia International Student Refund Policy.
- The six month period starts on the first study day of the student's principal course as outlined on the Confirmation of Enrolment.
- If a student has not completed six months of his/her principal course of study with TAFE SA, but seeks a transfer to another education provider, a Letter of Release is required by the student, to enable his/her transfer request.
- TAFE SA International will assess the request when the following documentation is provided:
  - a. A written request for the transfer from the student stating reasons for the request
  - b. A valid enrolment offer from the receiving CRICOS provider
  - c. For a student under 18 confirmation in the valid enrolment offer that accommodation, support and general welfare arrangements are in place (if applicable)
- A letter of release, if granted, is free of charge and advises the student of the need to contact DIAC to seek advice on whether a new student visa is required.
- A Letter of Release is not required if:
  - a. A student has completed more than six months of his/her principal course of study with TAFE SA (or any other RTO) before seeking to transfer to another provider.
  - b. The student is a government sponsored student (ie AusAID), and the sponsor supports the student's transfer.

- c. The current education provider or course has ceased to be registered or a sanction has been imposed that prevents the provider from continuing to deliver the student's principal course.
- The student's request to transfer to another provider must be processed within five working days from receipt of the request.
- A Letter of Release will be provided under the following circumstances:
  - a. The student's circumstances change and an interstate move is required
  - b. A notification of Intention to Report to Department of Immigration and Citizenship (DIAC) has been issued
  - c. The course the student wishes to transfer to:
    - better meets the study capabilities of the student
    - better meets the long term goals of the student
  - d. Program Area resourcing and infrastructure commitments are not compromised.
- When TAFE SA International does not issue a Letter of Release the student will be provided with written reasons for refusing the request and will be informed of their right to appeal the decision in accordance with Standard 8 of the National Code 2007.
- A request to transfer to another education provider will be treated as a request for withdrawal. As such, the TAFE SA International Student Refund Policy applies.
- The student must have a Letter of Offer from the education provider he/she wishes to transfer to, when the student requests a Letter of Release.
- Where possible, the reason/s for the request needs to be ascertained, and if applicable, required assistance is to be provided. The student, however, maintains the right to not give a reason for the request to transfer to another provider.
- Requests for transfer within the restricted period may be refused under the following circumstances:
  1. Student's fees are still outstanding
  2. Student is currently in a complaints and resolution process for unsatisfactory progress or for not meeting course attendance requirements
  3. Student has been legally charged for misbehaviour, including sexual harassment charges
  4. Student has caused severe damage to TAFE SA property
  5. Student is under police investigation
  6. Student has breached a student visa condition(s) and has been reported on PRISMS
  7. The transfer may jeopardise the student's progression through a package of courses
  8. Valid offer letter from another provider has not been received
  9. Transfer perceived as detrimental to student
  10. If transfer request is based on change of program and said program is also offered at TAFE SA
  11. Student has simply changed their mind
  12. Issues such as living a long distance away from campus and travel difficulties
  13. Student has not utilised TAFE SA's support services or academic resources and assistance
  14. Student is experiencing difficulties adjusting to Adelaide life and the demands of academic work at TAFE SA without having exhausted all of TAFE SA's student support services.

### 6.8.2 Accepting a student from another education provider

When a student approaches TAFE SA requesting to transfer from another education provider to TAFE SA:

- TAFE SA is restricted from enrolling students transferring from another provider prior to the student completing six months of his or her principle program of study, unless the following circumstances apply:
  1. The original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered;
  2. The original registered provider has provided a written Letter of Release;
  3. The original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course; or
  4. Any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.
  5. If a student has not completed six (6) months of his/her principal course of study (unless they have a written Letter of Release from the provider of the principal course).

### 6.8.3 Packaged Programs

- A Principal course is the main course of study that the student will undertake. For packaged courses, the principal course is the highest qualification covered by the student's visa. For example, if a student has Confirmations of Enrolment for English training and an Advanced Diploma, the Advanced Diploma is the principal course.
- The National Code restricts the capacity of students to transfer to other providers prior to completing six months of their principal course (that is the student's main course of study or that leading to the highest qualification on the student's current visa). Students on 'packaged programs' should be aware that changing course or provider may affect their packaged visa.

### 6.9 Registered providers' complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

Complaints and appeals relating to International students will be processed in accordance to the TAFE SA Student Complaint Resolution Policy and Procedures. Students have option to access informal or formal complaints resolution processes and external agencies.

In the instance of a formal process being undertaken the written complaint must be addressed to the Acting Manager International or the TAFE SA Executive who is the Principal Executive Officer (PEO) for International Students TAFE SA.

### 6.10 Registered providers monitor the workload of students to ensure they complete the course within the duration specified in their CoE and do not exceed the allowable portion of online or distance learning. Registered providers only enable students to extend the expected duration of study for the course through the issuing of a new CoE in limited circumstances.

TAFE SA program areas will monitor the progress of each student to ensure that at all times the student is in a position to complete the course within the expected duration as specified on the student's CoE. In monitoring this enrolment load, TAFE SA must ensure that in each compulsory study period for a course, the student is studying full time on campus, or not more than 25% online studies.

#### 6.10.1 Academic Progress

- International students are required to complete their course of study within the expected duration as specified in the Confirmation of Enrolment (CoE). TAFE SA Program Areas will monitor the progress of all international students in accordance with 6.10-6.11 and the TAFE SA International Standard Operating Procedures available on the [TAFE SA intranet site under 'International/ policy and procedures'](#).
- TAFE SA may only extend the duration of the student's study where it is clear that the student will not complete the course within the expected duration, as specified on the student's CoE, as the result of:
  - a. compassionate or compelling circumstances (for example illness where a medical certificate states that the student was unable to attend classes or where TAFE SA was unable to offer a pre-requisite unit);
  - b. TAFE SA implementation of the intervention strategy for students who were at risk of not meeting satisfactory course progress; or
  - c. an approved deferment or suspension of study has been granted under in accordance to the Standard Operating Procedures for deferring, suspending or cancelling an enrolment.

- 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:

- Severe illness or injury occurring after enrolment. This must be supported by a medical certificate stating when the injury occurred or illness commenced.
- Bereavement of close family members such as parents or grandparents;
- Major political and/or economic upheaval or natural disaster in the home country requiring emergency travel when this has impacted on the student's studies; or
- A traumatic experience which could include but not limited to:
  - a. involvement in, or witnessing of a serious accident; or
  - b. Witnessing or being the victim of a serious crime that has had an impact on the student.

These cases should be supported by police or psychologists' reports.

- TAFE SA will use professional judgement to assess each case on its individual merits. Documentary evidence must be provided to support these claims and copies of these documents must be placed and kept on the student's file.
- TAFE SA Program Areas responsible for delivering CRICOS courses and who deal with international students need to use their professional judgement and assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, staff should consider documentary evidence provided to support the claim.

#### 6.10.2 Online or Distance Learning

- TAFE SA international students on a student visa can study distance or online components only where the number of units does not exceed more than 25% of the total course and students enrol in at least one unit on campus in any given semester.

#### 6.10.3 Variation of Enrolment and Reporting

- Where there is a variation in the student's enrolment load which may affect the student's expected duration of study in accordance with circumstances outlined in 6.9.1, TAFE SA staff will record this variation and the reasons for it on the student's file. TAFE SA

International will amend the students CoE or issue a new CoE to reflect any change to a student's expected date of completion.

- TAFE SA International will report a student via PRISMS and amend or issue a new CoE where it is determined that a student cannot reasonably complete his or her course within the expected duration as specified on the student's CoE.

All documentation relating to a student's course progress must be maintained in accordance to TAFE SA International Standard Operating Procedures.

**6.11 Registered providers systematically monitor students' course progress. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet their course progress requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the course progress requirements.**

TAFE SA will monitor, record and assess the academic performance of students to ensure they are given every opportunity to achieve the required satisfactory academic progress for each unit of the course they are enrolled in. Academic progress is reviewed each study period. TAFE SA is required to report an international student via PRISMS to DIAC if the student has been assessed as not achieving satisfactory course progress in two consecutive study periods.

TAFE SA International have chosen to monitor student attendance rather than student course progress. Therefore reporting on student program via PRISMS is not required.

Satisfactory course progress is defined as:

- Successfully completing or demonstrating competency in at least 50% of the units attempted in any study period
- Not yet competent twice in the same unit of study.

TAFE SA must ensure that staff provide assistance and support to students to enable them to reach their potential. TAFESA will activate an intervention strategy, where necessary, to ensure that a student who is identified as being at risk, completes his/her training and education within the duration of the study in TAFE SA, and graduates with the qualification he/she is enrolled in.

**6.11.1 Upon start of Semester**

- International students are to be provided with a TAFE SA Study Guide by their relevant Program Area staff that details (but not limited to):
  - Course outline
  - Workload for the study period
  - Scheduling of classes
  - Delivery and assessment modes
  - Deadline for submission of assignments, projects, essays etc.
- Program Areas are to implement an individual student Training Plan for each international student in order to monitor, record and assess the students' course progress. If course is a standard course then a timetable plan would be suffice.

**6.11.2 Assessment**

- The assessment mode/method is to be carried out by the Lecturer, as per the assessment articulated in the Study Guide.

- The lecturer will assess the student at the end of each compulsory study period (semester).

### 6.11.3 Monitoring Process

- If a student is identified by the Lecturer for the first time as not making satisfactory course progress (in at least 50% of competencies) the Lecturer must inform the Educational Manager, and the TAFE SA International Course Intervention Strategy must be implemented.
  - a. TAFE SA International must be informed that the intervention strategy has been implemented.
  - b. The particular intervention measure that has been implemented must be documented and a copy signed by the student is to be held in the student's file by both the TAFE SA Program Area and TAFE SA International. This can be a hard copy or electronic copy record.
- If the Lecturer and Educational Manager identify that a student is at risk of making unsatisfactory course progress before the end of the study period, both the Lecturer and Educational Manager are encouraged to implement the TAFE SA International Course Intervention Strategy as early as possible and practicable.
  - a. TAFE SA International must be informed that the intervention strategy has been implemented .
  - b. The particular intervention measure that has been implemented must be established and documented and a copy signed by the student is to be held in the student's file by both the TAFE SA Program Area and TAFE SA International.
  - c. The Lecturer will continue to monitor the academic progression of the student following an intervention or learning support program and review their results at the end of the semester.
- If a student is identified as not making satisfactory course progress (in at least 50% of competencies) in a second consecutive compulsory study period in a course, the Lecturer must notify the Educational Manager.

### 6.11.4 Implementation of the TAFE SA Intervention Strategy

- The TAFE SA Intervention Strategy must be implemented where international students are:
  - unable to complete course within the expected duration specified in their CoE
  - working below TAFE SA academic expectations, i.e. their academic progress is seen to be unsatisfactory;
  - not meeting 80% attendance at each CRICOS registered course the student is enrolled in.
- **Intervention where the student is identified as being unable to complete a course within the expected duration specified in their CoE:**

If, when reviewing the student's progress at the end of each semester of the course, and the student is deemed by the lecturer as being unable to complete the course within the expected duration specified on the CoE:

1. Lecturer is to alert the Educational Manager and TAFE SA International of the student's inability to complete the course within the expected duration via the appropriate form.
2. The Educational Manager or nominated Program Area staff member is to make an appointment to meet with the student to ascertain what the situation is. The student should be allowed to have someone accompany him/her, if the student requests this.
3. There may be a number of reasons why the student is unable to complete the course within the expected duration specified on the CoE, including:
  - a. Underperforming in the unit/s enrolled – academic progress is unsatisfactory;

- b. Having to repeat unit/s due to failing the unit/s;
  - c. Compassionate or compelling circumstance;
  - d. Student has been irregular in his/her attendance.
4. If the student is identified as being unable to complete the course within the specified duration because of any of the above reasons the intervention strategy is to be implemented.
- **Intervention where the student's course progress (academic) is deemed to be below satisfactory:**

The Intervention Strategy must be implemented where the student has failed, or has been deemed not yet competent in 50% or more of the units attempted in any study period.

If student is shown to be achieving below 50% competence at the end of the first compulsory study period (i.e. semester):

1. The Lecturer is to alert the Educational Manager and TAFE SA International of student's under performance as soon as reasonably possible.
2. The Educational Manager or nominated Program Area staff is to make an appointment to meet with the student to ascertain what the situation is. The student should be allowed to have someone accompany him/her, if the student requests this. Strategies deemed appropriate to the students' specific situation are to be discussed, timelines and future meetings to be scheduled and agreed to.
3. Strategies for assisting students at risk of not meeting course progress could also include:
  - a. Having students attend:
    - Academic skills programs
    - Additional tutorials or study groups
    - Counselling
  - b. Having students receive:
    - Individual case management
    - Assistance with personal issues which are influencing progress
    - Mentoring.
  - c. Placing students in a suitable alternative unit within a course or a suitable alternative course
  - d. A combination of the above and a reduction in course load, as long as it does not conflict with the students visa conditions.
4. Whatever intervention measure is used:
  - a. The measure must be documented and a signed copy (signed by the student and the Educational Manager) must be kept in the students' file by both the TAFE SA Program Area and TAFE SA International.
  - b. Follow-up must be done in each of the cases, and a signed record of the follow-up must also be kept by both the TAFE SA Program Area and TAFE SA International.
  - c. The student's course progress must be monitored fortnightly, to see if improvement is taking place and this must be signed by both the student and the Educational Manager and recorded in the student's file by both the TAFE SA Program Area. This can be a hard copy or electronic record.

6.11.5 All documentation relating to academic progress and any interventions strategies implemented must be maintained in accordance to TAFE SA International Standard Operating Procedures.

6.11.6 Supporting documentation to implement this procedure and intervention strategy is contained in the TAFE SA International Standard Operating Procedures available on the [TAFE SA intranet site under 'International/ policy and procedures'](#).

**6.12 Registered providers systematically monitor students' compliance with student visa conditions relating to attendance. Registered providers are proactive in notifying and counselling overseas students who are at risk of failing to meet attendance requirements. Registered providers report students under Section 19 of the ESOS Act who have breached the attendance requirements.**

A student visa requires international students to attend and maintain satisfactory attendance for the scheduled contact hours for each course in which the student is enrolled in. Lecturers are required to record student attendance for each session. TAFE SA Program Areas must monitor student attendance each day and notify TAFE SA International if there is a risk of a visa breach, and inform of a visa breach.

TAFE SA Program Areas are required to report on all attendance to TAFE SA International regularly throughout each semester in accordance to the TAFE SA International Standard Operating Procedures available on the [TAFE SA intranet site under 'International/ policy and procedures'](#).

A student's attendance is considered unsatisfactory by DIAC if it falls below 80% of the scheduled course contact hours in a compulsory study period (semester).

TAFE SA Program Areas must monitor student attendance and initiate a minimum of 3 intervention communications with the student, either by written correspondence, face to face counselling or a combination of both, however, there must be a minimum of one written correspondence.

If following the above intervention communications by the TAFE SA Program Area the student's attendance falls below 80%, the Program Area is to advise TAFE SA International who will contact the student (written notification), and advise of TAFE SA's obligations to report to DIAC regarding their attendance breach. The notifications will also inform the student that he or she is able to access the registered provider's complaints and appeals process and that the student has 20 working days in which to do so.

**If an international student becomes sick**

- a. Whenever possible, the student should seek to obtain a medical certificate for the dates of their illness (back dated by the General Practitioner is acceptable) and forward a copy to the TAFE SA Program Area. A hard copy of the medical certificate must to be kept in the student file or scanned and kept as an electronic copy.
- b. The international student can telephone or contact the TAFE SA program Area to advise of their absence from class.
- c. The TAFE SA Program Area will inform:
  - The Lecturers of the relevant international student of absence
  - The nominated Program Area International Student Coordinator and record a student absence. This is reflected on the student's record of attendance.

**6.12.1 Implementation of the TAFE SA Intervention Strategy**

The TAFE SA International Course Intervention Strategy must be implemented where international students are:

- a. unable to complete course within the expected duration specified in their CoE
  - b. working below TAFE SA academic expectations, i.e. their academic progress is seen to be unsatisfactory;
  - c. not meeting 80% attendance at each CRICOS registered course the student is enrolled in.
- **Intervention where the student's attendance is deemed to be below 80% for the CRICOS registered course the student is enrolled in:**  
The TAFE SA International Course Intervention Strategy must be implemented where the student has been identified as not being able to meet 80% attendance at each CRICOS registered course student is enrolled.
    1. If a student has been identified through weekly collating of absence as having been absent for five (5) consecutive days without approval:
      - a. Dedicated staff member in the TAFE SA Program Area must notify TAFE SA International.
      - b. The TAFE SA Program Area must contact the student, either by phone or e-mail to discuss the issue.
      - c. A record of the contact, either a file note (for phone contact) or a copy of the e-mail must be placed in the student's file.
      - d. Where the student fails to respond to this contact within 7 days, TAFE SA International must be notified.
    2. Meeting with the student and nominated Program Area international student coordinator:
      - a. If needed and/or appropriate, a meeting between the student and the TAFE SA Program Area is to be scheduled.
      - b. Ascertain reasons for absence at this meeting.
        - If home sickness, ask the student if he/she would like to meet with a Student Counsellor who can provide additional support. Should the student agree, a meeting should be scheduled between the Student Counsellor and the student.
        - If the problem is related to the delivery, arrange for additional learning support.
        - If problem is related to the medium of instruction, arrange for a English Language assessment and support through TAFE SA International, as required.
        - If the student is missing classes due to compassionate or compelling circumstances, assess what these compassionate or compelling circumstances are, and arrange for professional counselling, if appropriate and required.
        - If student is missing classes due to working more than the DIAC permitted 40 hours per fortnight during study period, advise/remind student of the student visa conditions and requirements and that he/she is in breach of these student visa conditions and can therefore have his/her student visa cancelled by DIAC and asked to leave Australia.
      - c. Record all details of this meeting on the Counselling Form.
      - d. A copy of the Counselling Form is to be placed in the student's file.
      - e. Ensure follow-up is done in a timely manner as agreed. A record of follow-up is to be maintained and a copy included in the students file.

#### 6.12.2 Reporting on PRISMS

- TAFE SA International is responsible for reporting on PRISMS and can report the student in relation to Un-satisfactory Course Attendance detailing the breach.

- Once the student has been reported on PRISMS, a Non Compliance Notice (NCN) under section 20 of the ESOS Act is to be sent to the Principal Executive Officer to be signed.
- The signed NCN is to be forwarded via registered mail or as an e-mail attachment to the student who had been non-compliant.
- A copy of the NCN must be placed in the student's file.

6.12.3 All documentation relating to Student attendance and any interventions strategies implemented must be maintained in accordance to TAFE SA International Standard Operating Procedures.

6.12.4 Procedures relating to the intervention communications and corresponding absenteeism levels are detailed in the TAFE SA International Standard Operating Procedures available on the [TAFE SA intranet site under 'International/ policy and procedures'](#).

### **6.13 Registered providers appropriately recognise course credit within the ESOS framework.**

**6.13.1 TAFE SA will offer and recognised course credit (Recognition of Prior Learning (RPL)) according to the TAFE SA Assessment Policy and Procedures.**

6.13.2 If the course credit is granted for an overseas student before the student visa is granted, the actual net course duration (as reduced by course credit) is to be identified in the confirmation of enrolment (CoE) issued for that student for that course. (ie if the original course duration is 52 weeks and course credit is 13 weeks/1 term the CoE should be 39 weeks).

6.13.3 If the course credit is granted for and overseas student after the student visa is granted, TAFE SA is required to notify the Commonwealth on PRISMS and reflect this reduction in the student's records.

### **6.14 Registered providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.**

6.14.1 TAFE SA may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

6.14.2 For the purposes of International Students suspension from a course means that a student stops studying up to 2 weeks while the course is in progress.

6.14.3 A student can ask to suspend studies or TAFE SA can suspend a student (usually a student discipline matter).

6.14.4 If a student is to be absent from the course for a week or more during term/semester approval must be sought from program group.

6.14.5 If the absence is for more than 2 weeks this is considered a deferral under ESOS requirements and the student must request a deferral of studies prior to taking this leave of absence

The following are consider valid reasons for suspension/deferral of studies:

- Compassionate and compelling circumstances out of control of the student and may have an impact on course progress.
- Serious Illness or injury – a medical certificate must state clearly that the student was unable to attend classes
- Bereavement – the death of close family members such as parents or grandparents. Where possible a death certificate should be supplied
- Major political upheaval or natural disaster in the home country which requires the student to return (emergency travel) and this has impacted on studies
- Traumatic experience – for example, being involved in or witnessing an accident or witnessing an accident or a crime and this had had a negative impact on studies (in these cases Police or Psychologist's reports are required)
- Where your education provider cannot offer you a pre-requisite unit
- Inability to begin studying on the course commencement date due to a delay in receiving a student visa.

6.14.6 Students must be advised that suspensions/deferral may affect their Student Visa and that they should seek advice from DIAC about their specific requirements.

6.14.7 Suspension/deferral applications must be made to TAFE SA International. Assessments of request by TAFE SA International must:

- Ensure student has provided all documentation/evidence to support request for deferral including
  - a. a written request to defer studies using the TAFE South Australia International Request for Deferral form
  - b. medical certificates
  - c. flight tickets
- Each case is to be assessed on its own individual merits and documentary evidence is to be kept on the students record
- Ensure the reasons outlined in the students request for deferral fall under "Compassionate / Compelling Circumstances"
- Ensure any request for deferral is assessed in conjunction with the Program Area, to ensure availability of places in the course, new start dates, etc.

6.14.8 TAFE SA International must inform the student of the deferral request outcome in writing. Records must be updated and records according to TAFE SA International Standard Operation Procedures.

6.14.9 The Department of Immigration and Citizenship (DIAC) must be informed if a student is deferred

6.14.10 A suspension/deferral of studies may be approved by TAFE SA in compelling or compassionate circumstances. These circumstances might include medical reasons or extreme personal circumstances.

TAFE SA may suspend or cancel a student's studies:

- if they are absent from their course without approval for more than 2 (two) consecutive weeks in a semester,
- if they do not pay tuition fees when they are due or
- if they breach TAFE SA Student Conduct Policy. Copies of this Policy must be made available to all enrolled students.

**6.15 The staff of registered providers are suitably qualified or experienced in relation to the functions they perform for students. The educational resources of registered providers support the delivery of courses to students. The premises of registered providers, including the floor space available for each student, support students to achieve their course outcomes.**

- 6.15.1 To deliver education and training services to overseas student the TAFE SA campus – work team must apply for approval to ASQA/TEQSA through the formal procedure via the International Unit to amend CRICOS registration. Details of procedure are available on the International Intranet site.
- 6.15.2 All registration applications are risk assessed and an audit must be undertaken to confirm compliance of the work team with the VQF and ESOS Standards. In particular compliance in relation to staff, facilities, equipment and resources must be confirmed. The audit report is to be filed with the ASQA/TEQSA Application to Amend CRICOS Registration for TAFE SA international, consideration, action and approval.
- 6.15.3 Once assessed by the International Unit and approved by the PEO (International) the application will be submitted to ASQA.
- 6.15.4 Once CRICOS approval (including new CRICOS code for the course) has been notified by ASQA/TEQSA, the International Unit will communicate with the relevant quality unit, TAFE Admissions & Curriculum Services (TACS) and the program group that it is now able to commence marketing, enrolling and delivering education service to overseas students for the approved courses.
- 6.15.5 Regular monitoring and follow up audit activity relating to International delivery must be undertaken through either;
- a. Formal Post Initial or Compliance Monitoring audit activity at the request of the International Unit to ensure ongoing compliance to the ESOS Act and National Code, TAFE SA.
  - b. Follow up audit activity undertaken by the TAFE SA Quality Unit as part of continuous improvement activities for TAFE SA.
  - c. Self assessment activity undertaken by work teams to confirm ongoing compliance with VQF and ESOS Standards
- 6.15.6 Formal application forms and procedures for the extension to international scope (amendment to CRICOS registration process) is available on the international intranet site.

**6.16 Registered providers proactively inform the designated authority of prospective ownership and/or management changes.**

- 6.16.1 TAFE SA is on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) provider registration as prescribed under section 10 of the ESOS Act (**CRICOS Provider Name:** TAFE SA T/A TAFE South Australia **CRICOS Provider Number:** 00092B).
- 6.16.2 The TAFE SA Board members have each signed and agreed to the RTO Declaration and Conditions of Registration and provided evidence of Fit and Proper person (National Police Certificate NPC).

6.16.3 The role of Principal Executive Officer (PEO) for ESOS related matters has been delegated to the Executive Director Business Development and Regions.

6.16.4 It is imperative that TAFE SA notifies the regulators (ASQA/TEQSA) of any significant changes to RTO operations.

6.16.5 Significant changes to operations may include but are not limited to changes to

- legal entity,
- trading name(s),
- legally responsible person,
- ESOS compliance officer,
- business address,
- contact details or
- delivery locations.

## 6.17 Specific responsibility of employee category/ies

6.17.1 Each TAFE SA Executive is responsible for:

- the operation of this procedure and procedures within TAFE SA
- One Executive Director will hold the role of Principal Executive Officer (PEO - International) for International Student activity assisted by the TAFE South Australia International unit.

6.17.2 **Acting Manager International** is responsible to the Principal Executive Officer (International) on behalf of TAFE SA for:

- defining TAFE SA's CRICOS provider obligations under the ESOS framework driving the continuous improvement of an educational programs products, services and marketing in compliance with the requirements of the ESOS framework (in particular the *National Code 2007*), AQF, the VQF, ELICOS standards and Higher Education Protocols and Guidelines as appropriate,
- reviewing and approving all work instructions/procedures in relation to this ESOS Compliance Procedure,
- ensuring that all staff dealing with international students are fully trained in this procedure and have a thorough working knowledge of it,
- ensure that feedback mechanisms are available to both staff and students.

6.17.3 **Educational Managers and Directors** are responsible for:

- inducting and training staff members who interact directly with international students on TAFE SA's CRICOS provider obligations under the ESOS framework and all required procedures compliance with the requirements of the ESOS framework (in particular the National Code 2007), AQF, the AQTF, ELICOS standards and Higher Education Protocols and Guidelines as appropriate,
- ensuring that feedback mechanisms are available to both staff and students.

6.17.4 **Lecturers, Student Counsellors and International Unit staff** are responsible for:

- Local work instructions/Standard Operating Procedures in relation to this Procedure are adhered to, ensuring confidentiality at all times, and as far as legally possible.

6.17.5 **International Students** are responsible for:

- complying with the conditions on their student visas
- Reading and understanding all relevant TAFE SA policies and procedures
- Reading the International Students Pre-departure and Orientation Guide for information on all other relevant policies and procedures specific to international students.

## **7 Authentication**

### **7.1 Approval of TAFE SA Procedure**

The Chief Executive, TAFE SA approves TAFE SA Procedure.

TAFE SA policies will be recommended by the TAFE SA Policy Framework Steering Committee and endorsed by TAFE SA Executive prior to approval.

### **7.2 Review of TAFE SA Procedure**

TAFE SA Procedure will be reviewed by the TAFE SA Policy Framework Steering Committee every two years, but may be actioned earlier by the Policy Framework Steering Committee according to feedback received and/or contextual changes.