

PROCEDURE

PPMF | TAFESA | 75

Title

Refunds and Re-credits for FEE-HELP Approved Courses Procedure

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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.

1 Purpose

The procedure describe processes relating to the *TAFE SA Refunds and Re-credits for FEE-HELP Approved Courses of Study* policy including withdrawal and failure to complete units of study in courses approved for FEE-HELP assistance, the stages in a student's application for a refund of tuition and incidental fees, re-crediting a student's FEE-HELP balance and remitting their FEE-HELP debt, and the review and appeal of FEE-HELP decisions.

2 Outcome

To describe for TAFE SA staff and students the processes relating to withdrawal and failure to complete units of study in courses approved for FEE-HELP assistance and the procedures for applying for refunds and re-crediting of a student's FEE-HELP balance and review of FEE-HELP decisions.

3 Scope

This procedure applies to all students, including prospective, current, and existing students, applying for or undertaking study or training in FEE-HELP approved courses delivered by TAFE SA.

Exclusions

This policy does not apply to:

- students classified as International or Overseas Students or to students who are not Australian citizens or to students who are not studying under a permanent humanitarian visa
- units/courses that are not FEE-HELP approved
- FEE-HELP units of study that a student has completed.

This policy may apply to the holder of a permanent visa who is undertaking bridging study for overseas-trained professionals and will be resident in Australia for the duration of study.

4 Definitions

Administrative Appeals Tribunal (AAT)	The statutory body to which a student may appeal for a review of a decision made by the FEE-HELP Senior Review Officer.
Census Date	<p>The published date, set by TAFE SA, up to and including which:</p> <ul style="list-style-type: none"> • a student must submit their completed request for FEE-HELP assistance • a student enrolled in a unit of study may withdraw without financial or academic penalty. <p>The census date will be no earlier than 20% of the way through the period during which the unit is undertaken, including the assessment period as defined by HESA.</p>
Department	The Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE)
HELP FEE-HELP and VET FEE-HELP	<p>The Australian government provides assistance to higher education students through the Higher Education Loan Program (HELP). FEE-HELP is a loan available to eligible students enrolled in an accredited higher education award course, such as undergraduate and postgraduate degrees or graduate certificates and graduate diplomas. VET FEE-HELP is a student loan scheme for the Vocational Education and Training (VET) sector to assist eligible students undertaking certain VET courses of study (diploma, advanced diploma, graduate certificate and graduate diploma courses) with an approved VET provider, to pay for all or part of their tuition costs.</p>
FEE-HELP Balance	A student's FEE-HELP balance is the amount of their FEE-HELP limit they have not used. The total amount of FEE-HELP assistance and VET FEE-HELP assistance received by the student is deducted from the current FEE-HELP limit to calculate their FEE-HELP balance.
FEE-HELP Limit	The FEE-HELP limit is the total amount available to an eligible student under both the FEE-HELP scheme and the VET FEE-HELP scheme. Any amount borrowed by an eligible person under either FEE-HELP or VET FEE-HELP will reduce the person's FEE-HELP balance until the FEE-HELP limit is reached. The FEE-HELP limit does not include loan fees.
FEE-HELP Debt	A student incurs a FEE-HELP debt for the amount of financial assistance loaned to them by the Commonwealth to pay for part or all of their tuition fees plus a loan fee of 25%.
FEE-HELP Officer	Responsibilities of the FEE-HELP Officer are undertaken by the VET FEE-HELP Unit Manager. Responsibilities include determining the outcome of a student's application for a review of their application for a refund, re-credit and remission.
FEE-HELP Senior Review Officer	The TAFE SA FEE-HELP Senior Review Officer reviews the initial decision by the FEE-HELP Officer in relation to a student's application to re-credit their FEE-HELP balance or for a refund. The FEE-HELP Senior Review Officer must not have been involved in the initial decision. This role is filled by a TAFE SA Director of Educational Programs and Services who is

	senior to the FEE-HELP Officer.
HESA	Higher Education Support Act 2003
Incidental Fees	<p>Incidental fees are fees other than tuition fees. They are fees for goods or services that:</p> <ul style="list-style-type: none"> • are not essential to the course of study, eg access to internet and computer facilities not required as part of the course, printing of notes, graduation ceremonies • are essential, but while there is a charge, they are also readily available at no cost, eg in the library • are essential but which become the property of the student and are not consumed during the course of study, eg protective clothing, tool kits • fines or penalties imposed as a disincentive.
Re-credit	Re-credit is the adjustment of a FEE-HELP balance.
Remission (remit)	Remission is the removal of a FEE-HELP debt or VET FEE-HELP debt.
Special Circumstances	Unusual, uncommon or abnormal circumstances beyond a student's control surrounding a student's withdrawal from a unit of study after the census date or surrounding a student's non-completion of the unit that provide grounds for TAFE SA to approve a student's application to refund fees, re-credit their FEE- HELP balance and remit their FEE-HELP debt.
Tuition Assurance	<p>Tuition Assurance means that if a TAFE SA or a TAFE SA campus ceases to provide a VET or higher education course of study in which a student is enrolled, the student is entitled to choose to accept either:</p> <ul style="list-style-type: none"> • an offer of a place in a similar VET or higher education course of study with another TAFE SA campus or a comparable qualification at another provider and receive full recognition of any successfully completed units or as much credit as possible for successfully completed units; or • a refund of up-front payments for any VET or higher education unit of study that the student was enrolled in at the time the course ceased to be delivered.
Tuition Fee	A tuition fee is the fee determined by TAFE and payable by a student for tuition services, examination, evaluation and assessment required for completion of a unit of study and recognition of prior learning (RPL). It does not include fees for goods or services that are incidental to a student's studies.
Unit of study	A subject or unit that a student may undertake as part of a course of study for which the student may access FEE-HELP assistance to pay for all or part of their tuition fees for that unit.

5 Associated Documents

Australian legislation	Higher Education Support Act 2003 (HESA) and Higher Education Provider Guidelines
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	Privacy Act 1988
Government Australia publications	Administrative Information for Higher Education Providers: Student Support 2012
PPMF TAFESA 84	TAFE SA Refunds and Re-credits for FEE-HELP Approved Courses Policy
TAFE SA document	TAFE SA Tuition Assurance Statement. See www.tafesa.edu.au/vetfeehelp
PPMF TAFESA 71	FEE-HELP/VET FEE-HELP Personal Information of Students Policy
PPMF TAFESA 75	TAFE SA Information for Students on TAFE SA Fees Policy
PPMF DFEEST 210	Records Management Policy
TAFE SA forms	Application for Refund and Re-credit of FEE-HELP balance
	Application to Review a Refund/Re-credit Decision

6 Procedure Details

6.1 Provision of Information to Students on refund, re-credit and review and appeal of decisions

The TAFE SA Institute will provide students with information about making an application for a refund, re-credit, review or appeal. This information will be published so as to be publicly available and current.

6.2 Information for students on refund of fees paid up front, re-credit of FEE-HELP balance, remission of FEE-HELP debt and review of FEE-HELP decisions

The following procedural information will be published on the TAFE SA website at: www.tafesa.edu.au/vetfeehelp. It will include links to the relevant TAFE SA policy and FEE-HELP information.

The following information outlines processes relating to FEE-HELP assistance and steps for enquiring about your FEE-HELP balance and FEE-HELP debt or for seeking refunds or adjustments as a result of your withdrawal from or failure to complete a unit of study for which you have accessed FEE-HELP assistance.

1 – Informal Student Enquiries

If you have an enquiry about your tuition fees or FEE-HELP balance or FEE-HELP debt, you may contact the Student Services staff at any TAFE SA campus for information and assistance. Alternatively you may contact the TAFE SA General Enquiries Number (1800 882 661) or submit an online enquiry at www.tafesa.edu.au/contactvfh.

2 – Commonwealth Assistance Notice Review

If you are approved for FEE-HELP you will be issued with a Commonwealth Assistance Notice (CAN) within 28 day of the census date for each unit of study in which you are enrolled. The CAN will include details of these units of study and your financial liability.

It is your responsibility to ensure that you have sufficient FEE-HELP balance to cover the FEE-HELP amounts indicated in the notice. You are eligible for the amounts of FEE-HELP assistance contained in the notice, ONLY if you have sufficient FEE-HELP balance to cover those amounts.

If you believe the information in the CAN is incorrect and needs to be reviewed, then within 14 days, you must contact the FEE-HELP Officer (vet.feehelp@sa.gov.au) to request a CAN review. Include documentary evidence with your request showing what you think is incorrect and why you think this.

The FEE-HELP Officer will:

- *verify your enrolment details*
- *confirm your tuition fees and/or FEE-HELP Balance for the relevant teaching period*
- *re-issue a CAN if a correction is required.*
- *advise relevant sections of the Department and the Australian Tax Office as required.*

3 – Request for Refund of Tuition Fees Paid Upfront and/or Re-credit of FEE-HELP Balance

If you withdraw from a unit of study on or before the census date, you will receive a refund of any upfront tuition fees and you will not incur a FEE-HELP debt for the unit of study and your FEE-HELP balance will not be reduced.

If you withdraw from a unit of study in which you are enrolled after the census date or you do not complete the unit of study, you will not be eligible for a refund, or a re-credit of your FEE-HELP balance, unless there were special circumstances.

*If your circumstances changed on or after the census date and you withdrew or did not complete a unit of study due to these special circumstances, you may apply for a refund or re-credit using the **Application for Refund and Re-credit of FEE-HELP Balance** form which is available from www.tafesa.edu.au/vetfeehelp.*

The completed application form must be submitted within 12 months of your withdrawal date or, if you have not withdrawn, within 12 months of the end of the period in which the unit of study was to be undertaken. It must be submitted to the FEE-HELP Officer who is the VET FEE-HELP Unit Manager. You can obtain the contact details for this Manager from your lecturer or from the TAFE SA General Enquiries Number (1800 882 661).

TAFE SA may agree to a request to waive the 12 month time limit on the grounds that it would not be or was not possible for you to make the application before the end of the 12 months.

Special circumstances may include:

- *Medical circumstances*
- *Family/Personal circumstances*
- *Employment related circumstances*
- *Course related circumstances where the TAFE SA campus has changed the unit being offered*

You will need to supply any additional documentation that may assist your case such as a letter from your doctor or counsellor which demonstrates:

- *that your circumstances changed on or after the census date;*
- *how your circumstances prevented you from continuing your studies; and*
- *when you became aware you could no longer continue with your studies; and*
- *that these circumstances beyond your control prevented you from withdrawing from your studies prior to the census date(s).*

See the **TAFE SA Refunds and Re-credits for FEE-HELP Approved Courses Policy** for more detailed information on special circumstances and the documentation required.

4 – Outcome of the application to the FEE-HELP Officer

The FEE-HELP Officer will write to you within 14 days, advising the outcome of your application.

If your application is successful, the Notice of Decision letter will include:

- the reasons for the decision to refund your paid tuition fees and/or re-credit your FEE-HELP balance
- the amount of FEE-HELP balance that will be re-credited within two weeks of this notification of the decision
- the FEE-HELP debt that will be reduced
- the upfront payment amount that will be refunded if you have made such a payment
- whom to contact if you require more information.

If your application is unsuccessful, the Notice of Decision letter will include:

- the reasons for the decision not to refund your paid tuition fees and/or re-credit your FEE-HELP balance
- your right to a review of the decision and how to submit a valid request for a review of this decision and
- whom to contact if you require more information.

5 – Request for Review of the Decision that the FEE-HELP Officer made

If you are not satisfied with the outcome of your request for a refund of your paid tuition fees and/or re-credit of FEE-HELP balance then you may appeal to the **FEE-HELP Senior Review Officer** who is the Director, Educational Programs & Services within 28 days from the day you first receive the notice of the outcome. You must use the **Application to Review a Refund/Re-credit Decision form** and attach any additional documentary evidence.

Your application for a review will be acknowledged in writing within 10 working days and you will be advised of a decision within 45 days of the day on which the FEE-HELP Senior Review Officer received your request.

The FEE-HELP Senior Review Officer will:

- review the information from the original decision and then assess any new evidence provided by you
- provide written notice to you of the decision, setting out the reasons for the decision
- inform you of your right to apply to the Administrative Appeals Tribunal (AAT) if you disagree with the review decision.
- if the FEE-HELP Senior Review Officer has not advised you of a decision in writing within 45 days of receiving the application for review, then it is taken that the original decision has been confirmed.

6 – Outcome of the Application to the FEE-HELP Senior Review Officer

If your application is successful, the Notice of Decision letter will include:

- the reasons for the decision to refund your paid tuition fees and/or re-credit you FEE-HELP balance

- the amount of FEE-HELP balance that will be re-credited within two weeks of this notification of the decision
- the FEE-HELP debt that will be remitted
- the upfront payment amount that will be refunded if you have made such a payment
- whom to contact if you require more information.

If your application is unsuccessful, the Notice of Decision letter will include:

- the reasons for the decision not to refund your paid tuition fees and/or re-credit your FEE-HELP balance
- how to submit a valid request for a review of this decision to the Administrative Appeals Tribunal (AAT) and
- whom to contact if you require more information including the contact details of the AAT and the approximate cost of an appeal to the AAT.

If you have not received a notice within 45 days of the date on which the FEE-HELP Senior Review Officer received your request, it is taken that the reviewer has confirmed the FEE-HELP Officer's decision.

7 – Appeal to the Administrative Appeals Tribunal (AAT)

If, after completing all of the steps above, you are still not satisfied with the outcome, you may apply to the Administrative Appeals Tribunal (AAT) for a review within 28 days from the day you first received the FEE-HELP Senior Review Officer's notice of the decision. A filing fee is normally required payable to the AAT.

Details for contacting the AAT in South Australia are found at:

<http://www.aat.gov.au/ContactUs/SA.htm>

Administrative Appeals Tribunal
11th Floor, Chesser House
91 Grenfell St,
Adelaide SA 5000

When you apply to the Administrative Appeals Tribunal (AAT) for review of a decision you may have to pay a fee. If a fee is payable, the full application fee is \$777 (at May 2012). In certain circumstances, this fee can be reduced to \$100.

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 or the Secretary's delegate will be the respondent for cases that are brought before the AAT. TAFE SA will be notified of your application and will provide the Department with copies of all the documents that are relevant to the appeal within ten (10) business days.

6.3 TAFE SA Principles for Conducting Appeals or Reviews

Throughout the process of a review or appeal of a decision, the following principles will apply:

- Students have the right to be accompanied or represented by a third party such as a family member, friend, counsellor or professional support person.
- There will be no financial charges incurred by the students in regard to accessing the internal TAFE SA review procedures.
- Complainants and/or respondents are entitled to full explanations in writing of any decisions or actions taken as part of the review/appeal process.

- The privacy of all parties involved in the TAFE SA complaint resolution process will be protected, subject to necessary legal responsibilities.
- Students and staff will be protected from victimisation and discrimination.
- Reviewers will not have been involved in making the decision under review.
- A reviewer will hold a position that is senior to the officer who made the original decision.

6.4 Successful Appeals – TAFE SA Responsibilities

The principles for decisions and processes in regard to appealing for a refund in special circumstances are the same as for re-crediting a student's FEE- HELP debt in special circumstances.

6.4.1 Successful applications for re-credit or refund

When an application for re-credit or refund is successful, any academic penalty previously applied against the unit of study will be removed.

6.4.2 Withdrawals after the census date

For withdrawals after the census date TAFE SA shall, where it is satisfied that special circumstances apply, re-credit a student's FEE-HELP balance with an amount equal to the amount of FEE-HELP assistance that the student received for the unit of study within 2 weeks of the student being notified of the decision to re-credit.

6.4.3 Decisions resulting in the re-crediting of a FEE-HELP balance

If a decision results in the re-crediting of a person's FEE-HELP balance and/or the refund of a student's up-front payments, TAFE SA shall notify the Department through the 'Revisions File' so that the student's FEE-HELP debt can be remitted.

TAFE SA is required to repay to the Commonwealth any amounts of FEE-HELP assistance that TAFE SA received from the Commonwealth on the person's behalf for remission of the debt the student incurred.

7 Authentications and Responsibilities

7.1 Authentications

This policy and procedure are consistent with the requirements of:

- Higher Education Act 2003 (HESA)
- Higher Education Provider Guidelines
- Privacy Act 1988
- TAFE SA policies
- other legislation and publications listed in the Mandate and Section 5 - Associated Documents above.

7.2 Approval of TAFE SA Policy

The Chief Executive, TAFE SA approves TAFE SA Policy and Procedures.

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

7.3 Responsibilities

7.3.1 Student responsibilities

Students are responsible for:

- knowing and understanding the requirements and deadlines associated with FEE-HELP assistance and payment of fees including the procedure associated with withdrawal and non-completion of a unit
- checking their Commonwealth Assistance Notice (CAN) for accuracy and seeking correction of any errors
- submitting applications for refunds/re-credits/remission and supporting documentation to support their claim of special circumstances within the specified time limits
- where they are dissatisfied with a decision relating to re-credits, remission or refunds, submitting an application for appeal within the specified time limit to the appropriate Officer
- complying with requirements of the Higher Education Support Act 2003 in relation to assistance they have requested and accessed from the Commonwealth for tuition fees for TAFE SA FEE-HELP approved courses and units of study
- complying with requirements set by TAFE SA in relation to tuition and incidental fees for TAFE SA FEE-HELP approved courses and units of study.

7.3.2 Staff responsibilities

FEE-HELP Officers, the FEE-HELP Senior Review Officer and staff of TAFE SA are responsible for implementation of the *TAFE SA Refunds and Re-credits for FEE-HELP Approved Courses Policy* in accordance with requirements of the legislation and associated Guidelines and relevant policies listed in 7.1. Specifically,

- The VET FEE_HELP Unit Manager has the role of FEE-HELP Officer
- The Director of Educational Services have the role of FEE-HELP Senior Review Officer. This officer is senior to the FEE-HELP Officer.
- Staff of TAFE SA are responsible for the implementation and carriage of this procedure and related Policy.
- Director, Educational Services is responsible for management of this policy and accompanying procedures
- the VET FEE-HELP Unit will ensure the Policy and Procedures on the web are kept up-to-date following any amendment.

7.4 Privacy of Information

7.4.1 TAFE SA officers and staff will comply with the Information Privacy Principles (IPP) set out in Section 14 of the Privacy Act 1988 when they handle personal information obtained for the purposes of FEE-HELP assistance and the repayment of loans under HESA.

7.4.2 TAFE SA will provide students with access to their own personal information held by TAFE SA at no charge.

7.4.3 A student may request that a record be amended because it is inaccurate.

7.4.4 TAFE SA will correct a record found to be inaccurate but where TAFE SA finds the record to be accurate, the details of the request for amendment will be noted on the record.

7.4.5 See the *TAFE SA FEE-HELP/VET FEE-HELP Personal Information of Students Policy* for information on how a student may apply to receive a copy of their personal information held by TAFE SA.

7.5 Publication of this Procedure

This procedure will be made publicly available on the TAFE SA website in an online accessible and printable format.

When this procedure is amended, the policy on the web will be updated to include the amendments within 2 working days.

7.6 Review of TAFE SA Policy and Procedure

This 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.