

<b>Policy name:</b>	EN3 Withdrawal and Cancellation Policy	<b>Version:</b>	13.1
<b>Policy owner:</b>	General Manager - Operations		
<b>Approved by:</b>	Chief Executive Officer		
<b>Approved date:</b>	March 2020	<b>Review date:</b>	March 2021

## SECTION 1 - INTRODUCTION

### PURPOSE

This policy outlines the RTOs consistent approach to the handling of deferral, suspension, cancellation and withdrawal for learners to meets the Standards for Registered Training Organisations and State funding contracts. In line with the Standards for Registered Training Organisations (RTOs) 2015, VET Student Loans and State Funding contract requirements the RTO ensures that each enrolled learner is aware of this policy via the website.

### SCOPE

This policy applies to all employees of Selmar (121531) in relation to learner deferrals, withdrawals and cancellations. This policy includes all regulatory requirements that fall under the RTOs obligations as a registered training organisation.

### DEFINITIONS

**Cancellation** - Withdrawal of enrolment in course

**Compassionate or compelling circumstances** - learner's lack of capacity and/or ability to progress through a course. These could include:

- Serious illness or injury, where a medical certificate states that the learner was unable to attend classes
- Bereavement of close family members such as spouse, children, parents or grandparents (where possible a death certificate should be provided).
- A traumatic experience which could include but is not limited to:
  - o Involvement in or witnessing of an accident or
  - o A crime committed against the learner

**Deferral** - Temporary postponement of enrolment during course

**Extenuating Circumstances** - Extenuating circumstances relating to the welfare of the learner may include, but are not limited to the following:

- Learner refuses to maintain approved care arrangements (only for learners under 18 years of age);
- Learner has medical concerns, severe depression or psychological issues which lead the provider to fear for the learner's wellbeing;
- Learner has engaged or threatens to engage in behaviour that is reasonably believed to endanger the learner or others; or
- Learner is at risk of committing a criminal offence

**Impracticable** – means not practicable, that which cannot be put into practice with the available means

**RTO** – means Selmar Pty Ltd (121531)

**Scheduled hours** – means the actual hours taken to provide training in line with the program schedule

**Statement of Attainment** confirms that one or more nationally recognised units or modules has been achieved by an individual but is only used where there has been partial completion of a qualification or VET accredited course

**Tuition fee** - The total fees for the course

**Withdrawal** - Withdrawal of enrolment in course

## SECTION 2 - POLICY

Learner enrolment can be deferred, suspended, cancelled or withdrawn in certain circumstances by the RTO or the learner. The learner has the right to appeal the RTOs decision to suspend or cancel an enrolment, refer to the *SP3 Complaints and Appeals Policy*.

The RTO is committed to the fair and transparent application of fees and charges, including the processing of refunds. Learners are provided with details of all fees and charges and copies of the relevant refund policy prior to enrolment refer *EN1 Fees and Refunds Policy*.

### Withdrawal

- Learners may withdraw from their course at any time. Learners are required to contact their trainer via email or phone to advise of their intent to withdraw from training
- The trainer must complete the Enrolment Variation Form detailing the date of withdrawal and reason for withdrawal, then send the signed Enrolment Variation to Administration
- Learners that withdraw from a course may be eligible for a refund, refer to the *EN1 Fees and Refunds Policy*.
- Where a learner has withdrawn from a course after commencement and have been deemed competent in one or more units of competency, the learner is entitled to a *Statement of Attainment*.
- For learners funded under the Victorian *Skills First Program*, the RTO will only claim government funding for training and assessment that has actually occurred up to 80% of the scheduled hours. The RTO will not claim more than 80% of the scheduled hours regardless of the amount of training that has taken place. The RTO will calculate the claimable hours using following methodology:

Number of EOP	Amount claimed	Acceptable Evidence of Participation
1	25%	- Partial or satisfactory assessment task
2	50%	- Completed workplace visit form - Completed first training session
3+	80%	- Monthly training contact (via phone or Skype)

- All funding claims for withdrawn learners are signed off by the Funding Contracts Manager.
- For learners accessing VET Student Loans to fund their studies, Selmar will ensure that the withdrawal is effective from the time of notification and confirmation of withdrawal will be sent to the learner including following details:

- a. Date of withdrawal
- b. The Unit of Study or part of the course from which the learner has withdrawn from
- c. Relevant census day
- d. Confirmation whether the learner has incurred a debt for the unit, part of the course or the whole course (unless they withdraw before the census day in which case they will not incur a debt for that unit of study)
- e. Information about the refund of upfront payments (if any)

## Deferral

- Once the learner has commenced training, they may request to have their enrolment deferred on the grounds of compassionate or compelling circumstances.
- The granting of a deferral of enrolment is at the discretion of the Regional Manager (RM). The length of time a learner may have their enrolment deferred is also at the discretion of the Regional Managers and will depend on the individual learner circumstances.
- All deferral requests must be provided to the RTO in writing by completing the *Enrolment Variation Form* with documentation attached to support their claim of compassionate or compelling circumstances.
- For VSL learners, a progression will be issued for the learner to complete the option to defer. When the learner resumes, a progression form will be issued for the learner to indicate the date of return to study.
- The Regional Managers are responsible for approving all learner deferrals. In assessing the request the Regional Manager will consider:
  - a. The evidence provided by the learner to demonstrate compelling or compassionate circumstances
  - b. The impact these circumstances may have on the ability of the learner to continue with their studies and to complete the course within the expected duration of study.
  - c. The duration of the deferral requested
  - d. Support options available to the learner (e.g. counselling, temporary reduction in course load, specialised Trainer to attend the workplace)
- Deferral of more than 3 months will not be granted without a re-assessment of the circumstances.
- Learners will be advised by email of the outcome of their request for a deferral. If a learner is dissatisfied with the outcome of a request they can access the complaints and appeals process.
- All documentation relating to the assessment and outcome of learner deferral applications will be kept in the learner's file. All discussions undertaken with the learner during the processing of the application must be recorded on the learner Management System (WiseNET).
- Learners are advised to retain their original documents (eg. medical certificates, police statements) for their own records and submit copies with their applications for deferment.
- Deferral does not entitle the learner to a refund.
- Learners who fail to return to study at the end of an approved deferral period may have their enrolment cancelled.
- Where the learner is deferred, the RTO will suspend all funding claims until such time the learner returns to study.

## Suspension

- The RTO may suspend learners' enrolment in the following circumstances until they are rectified:
  - a. Where the RTO is not able to get in contact with the learner for more than 4 weeks
  - b. Where the learner is not engaged in regular contact with the trainer for more than 4 weeks
  - c. Non-payment of outstanding fees
  - d. Failure to return to study after the end of an approved deferral period
- Where the learner is suspended, the RTO will suspend all funding claims until such time the learner returns to study or is cancelled.
- The length of time a learner can have their enrolment suspended is at the discretion of the Regional Managers. A learner's enrolment cannot be suspended for more than 3 months. Where the circumstances have not changed after the 3 month period, the learner will be cancelled from the course.
- The RTO closely monitors learner engagement. Where the learner does not submit work by the due date, the RTO will commence the disengagement process:
  - Week 1 - due work not submitted, trainer identifies if further training is required. If yes, further training is delivered and updated due date is advised to the learner. If no, the trainer makes a verbal arrangement with the learner to hand in week 2
  - Week 2 – if work still not handed in, trainer advises RM and RM makes contact with the learner to ensure they don't require further training and to confirm they are aware the work is outstanding. Disengage learner Letter 1 is sent out asking the learner to hand the work in the following week.
  - Week 3 – if work still not handed in, Disengage learner Letter 2 is sent to the learner, providing an additional week to hand the outstanding work in, advising the learner they are at risk of being suspended from the course if the outstanding work is not submitted the following week.
  - Week 4 – if work still not handed in, learner is suspended and funding claim is paused. If the learner does not re engage in their studies within 3 months, the learners' enrolment is cancelled. Where the learner re engages with their trainer and course, the learner is made current and funding claims are made for the training that is carried out.
- The learner will be advised by email of the suspension and timeframe. If a learner is dissatisfied with the decision, they can access the complaints and appeals process.
- Learners are provided sufficient time to rectify any of the circumstances that have caused the enrolment suspension. In instances where the learner does not rectify the suspension reasons, the RTO will cancel the learners' enrolment.

## Cancellation

- The RTO may cancel learners' enrolment in the following circumstances:
  - a. Learner demonstrates serious misconduct as outlined in the Discipline and Termination section of the Learner Handbook.
  - b. Learner does not rectify circumstances that caused the suspension within the timeframe provided.
  - c. The learner fails to return to study after the approved deferral.

- Where the learners' enrolment is cancelled, the RTO will issue a Statement of Attainment for any units that the learner has successfully completed, refer to the *CO1 Completions and AQF Certification Policy*.

### Appealing a deferral, suspension or cancellation decision

- In cases where cancellation or suspension of the learner's enrolment, learners will be notified in writing of the reason for the cancellation or suspension and given 20 working days to access the Institute's internal complaints and appeals process unless 'Extenuating Circumstances' relating to the welfare of the learner exist. If 'Extenuating Circumstances' exist the cancellation suspension can be implemented prior to the 20 days appeal period passing.
- Appeals will be dealt with expeditiously to minimise any disadvantage to the learner in the event that their appeal is upheld. Learners are not permitted to return to class until the process has been finalised. However, at the discretion of the Head of Teaching and Learning, learners may be provided with course material and contact with a Trainer to enable them to continue their studies off-campus during the appeal process

### Transfer

- Once a course has commenced, a learner may request a transfer to a different study mode i.e. distance, workplace or virtual campus. Learners must submit an *Enrolment Variation Form* to their Trainer with documentation attached to support their claim of a transfer.
- The granting of a transfer is at the discretion of the Regional Manager.
- A learner can vary their enrolment once (by deferring or transferring) without incurring a fee. Please note the transfer fee only applies to learners changing study modes or classes. It doesn't apply to trainees cancelling or commencing a training contract if they are not changing study modes. It does not apply to learners changing qualifications.

## SECTION 3 - LEGISLATIVE CONTEXT

Name	Section/Document
Standards for RTOs 2015	Standard 5.3
VET Student Loans	Clause 4.8.7, 4.8.8
Victorian Skills First Program	2018-19 Standard VET Funding Contract Skills First Program 2018-2019 2018 Guidelines about Fees Section 5
NSW Smart and Skilled Program	Terms and Conditions Clause 15.3
Queensland PQS Program	PQS Policy Table 4

## SECTION 4 - RELATED DOCUMENTS

Name	Document Type
Student Handbook	Manual
EN3.1 Withdrawal and Cancellation Procedure	Procedure
EN1 Fees and Refunds Policy	Policy
EN4.1 Fees and Refunds Procedure	Procedure
Enrolment Variation Form	Form
Statement of Attainment	Online

## SECTION 5 - VERSION CONTROL

Version	Approval Date	Approved by	Details
1		Marcus Sellen	Document Creation
2	12 October 2010	Marcus Sellen	Adjustment of refund terms & conditions.

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3	3 November 2010	Marcus Sellen	Specify refund will be via Electronic Funds Transfer.
4	25 January 2011	Marcus Sellen	Inclusion of cancellation without refund for breach of Discipline and Termination of Studies Policy (SMP21) Revision of refund procedure.
5	8 June 2012	Marcus Sellen	Revision of refund rules in line with 2012 Vic Government Guidelines about Fees.
6	28 August 2013	Marcus Sellen	Revision of responsibilities & retention information
7	4 February 2015	Marcus Sellen	Revision, change of policy title (removal of domestic), removal of reference to international & inclusion of SRTO standards.
8	28 July 2016	Julie Elvidge	Reviewed and updated in line with state funding contract
9	24 February 2017	Julie Elvidge	Annual review and updated in line with state funding contract
10	27 April 2018	Tash Hartig	Annual review, reformatted document, combined Deferral, Suspension, Transfer & Cancellation of Enrolment Policy and Refund Policy
11	December 2018	Marcus Sellen	Updated withdrawal information and removed Refund part
12	February 2019	Marcus Sellen	Updated Policy Owner.
13	August 2019	Marcus Sellen	Updated address
13.1	March 2020	Julie van Belkom	Updated deferral process