

1.0 Purpose

- The purpose of this policy and procedure is to ensure Brighton Institute of Technology (BIT) effectively addresses the requirements of Standard 7 of the revised National Code 2018 regarding the transfer of students between registered providers.

2.0 Responsibility

- Student Administration is responsible for the implementation of this procedure; they are to ensure that staff and students are aware of its application. The Student Support Manager and the Training Manager will implement it.

3.0 Definitions

- eCoE means Electronic Confirmation of Enrolment issued by an educational institution to a student pursuant to the ESOS Act.
- ESOS Act means the Education Services for Overseas Students Act 2000 and all association legislation including the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 ("National Code")
- International student means any student studying at BIT on a student visa.
- RTO Registered Training Organisation.
- PRISMS the Provider Registration and International Students Management System pursuant to the ESOS Act.

4.0 Requirements /Process

- BIT must not actively recruit students where the recruitment would conflict with the requirements of this procedure and/or Standard 7 of the National Code
- BIT will not knowingly enrol students currently enrolled at another RTO who have NOT completed at least six months of study in their principal course.
- BIT will not allow a concurrent CoE to be issued.
- BIT will not allow the transfer of students enrolled with the Institute to another RTO who have not completed at least six months of study in their principal course: unless the student falls into one of the categories listed below. BIT will always comply with the requirements of the ESOS Act.
 - the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered,
 - the original registered provider has released student,
 - 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,
 - 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.
- BIT will not charge a fee for releasing a student.
- If a release is refused by a registered provider a student may appeal the provider's decision. (Refer to Complaints and Appeals Policy and Procedure)

Release (Transfer OUT)

- Students must apply for a release on the appropriate form. (Application of release form)
- Student must seek approval from the finance department before lodging the application with Student Administration.
- Administration will consider applications for a release and respond within 10 working days of receiving the application.
- A release application form will be processed in accordance with this procedure and only if the student can provide written confirmation that another registered provider has made a valid enrolment offer.

- The release will only be given if BIT believes that a transfer at this time will not be considered detrimental to the student.
- The record of the decision will be placed in the student's administration file.
- Student must be informed within 10 working days from the date of lodgment of the application.
- A release will normally be granted in the following situations:
 - BIT is unable to continue to provide the course; or
 - The student can demonstrate they are experiencing threat to physical or mental health or safety by remaining at BIT and can demonstrate clearly how this will be alleviated through a transfer; or
 - The current course of study is clearly not consistent with documented course requested for on their application.
 - BIT believes that the transfer will be in the student's best interests. BIT believes that the transfer will be beneficial to the student's academic progress, health (physical and mental) and/or ability to settle into studying in Australia. A meeting between the training manager and the student will decide whether a transfer will be in the student's best interest.
 - In exceptional compassionate circumstances beyond the student's control, such as serious illness or death of a close family member, (independent evidence of the exceptional circumstances is required) and that the exceptional compassionate circumstances have led to a permanent change in the student's circumstances that makes continued enrolment inappropriate.
- A release will normally **not** be granted in the following situations:
 - The requirements of the written agreement have not been met by the student; or
 - The student has a change of mind, or
 - Not enough documented evidence to support reasons or claims in the application for release is submitted; or
 - The student does not satisfy any of the situations which normally lead to a release being granted; or
 - The proposed transfer will jeopardise the student's progression through a package of courses; or
 - The student has unsatisfactory academic progress and is in the intervention process; or
 - The student has unsatisfactory behaviour and has been or is about to have their enrolment suspended or cancelled and be reported to Department of Home Affairs; or
 - The student cannot provide a letter from another registered provider confirming that they have made a valid enrolment offer.
 - The student has not cleared all tuition fees due.
- If the release of a student is refused, reasons for the refusal will be documented and the student will be informed of their rights to access BIT's complaints and appeals procedure. Reasons for refusal of release may be:
 - If a student wishes to request a release to do the same course at different institute or registered provider.
 - Course progress of student is not up to date i.e., the overseas student has been unable to achieve satisfactory course progress at the level they are studying, even after engaging with BIT's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements). In this case, BIT will provide the student with an opportunity to maintain satisfactory course progress (either by scheduling extra classes or providing one on one training).
 - Student has not paid their fees for the course or has remaining fees left to be paid.

- A copy of the student's release application; notes recording the assessment of the application and a copy of the response letter sent to the student by the Institute must be placed in the student's file.
- Should a student's request for a transfer be granted BIT will immediately inform the student that they will need to inform the Department of Home Affairs, directing them to the website <https://immi.homeaffairs.gov.au/change-in-situation/study-situation>
- Another circumstance where a transfer should be granted is where there is evidence of compassionate or compelling circumstances.
'Compassionate or compelling' circumstances are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These could include, but are not limited to:
 - serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes,
 - bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided),
 - major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies, or
 - a traumatic experience, which could include,
- involvement in, or witnessing of a serious accident, or
- witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports).

5.0 Enrolling a transferring student (Transfer IN)

- The Institute will not knowingly enrol a student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where:
 - the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered,
 - the original registered provider has released the student via PRISIMS,
 - 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
 - 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.
- All existing Credit Transfers and RPLs recognised by the previous RTO will be recognised by BIT if the original evidence is provided – See P4. Credit Transfer and P5. Recognition to Prior Learning Policies and Procedures.
- If the Institute knowingly enrolls a student, wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study documentary evidence of at least one of the four conditions listed above must be obtained and placed in the transferring student's file.
- The Institute will not seek to enrol a student who has not yet completed six months of their principal course of study with another registered provider unless the requirements of the National Code are met and then only in accordance with this procedure.
- Exceptions to the release requirement where a release is not required in the following circumstances:

- When a student fails to meet certain entry requirements for commencing a course, for which the student arrives in Australia for; the student is left without a provider in the absence of a release. In this situation, where the student is able to provide documentary evidence of their predicament, transfer will be permitted.
- Where a student's enrolment may have been cancelled under Standard 13 of the National Code ("Deferring, suspending or cancelling the student's enrolment"), there is no need for the provider to release the student - in this situation the cancellation would be sufficient.
- Any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.

Flowchart for procedure for the release of a student (Transfer Out)

