

RE-CREDITING OF HELP BALANCE POLICY AND PROCEDURE

Document Name	ACAP_1_A_POL_Recrediting_HELP_190305	
Date of Next Review	14 August 2021	
Approved by	Executive Committee	14 August 2018
Responsible Person	Finance Director	
Related Documents	Tuition Fee and Refund Policy; Special Circumstances Application form; Withdrawal from Course of Study; Withdrawal from Unit/Module and/or Course (post census) form; Cancellation of FEE-HELP Loan Request form; Fair Treatment and Equal Opportunity Policy; Grievances, Complaints and Appeals Policy; Grievances, Complaints and Appeals Procedure; Statement of Tuition Assurance or statement of tuition assurance exemption; Navitas Privacy Policy; Schedule of tuition fees; College Governance Framework; College Delegations of Authority; Records Management Policy; Records Retention and Disposal Schedule; related information in the Student Handbook.	
References and Legislation	Tertiary Education Quality and Standards (TEQSA) Act 2011 (Cth); Higher Education Standards Framework (Threshold Standards) 2015; Education Services for Overseas Students Act 2000 (Cth); Education Services for Overseas Students Regulations 2001; National Vocational Education and Training Regulator Act 2011; Migration Act 1958 (Cth); National Code of Practice for Providers of Education and Training to Overseas Students 2018; the Higher Education Support Act 2003 (Cth); Privacy Act 1988 (Cth)	

1. Purpose:

This policy covers the re-crediting of a HELP balance and sets out the procedure for students seeking to apply for a re-crediting of their FEE-HELP, VET Student Loan or VET FEE-HELP loan balance in full or in part. It also sets out the procedure for a student to apply for a review or to appeal a decision that is associated with their application to re-credit a HELP balance.

2. Scope:

The policy does not cover the refund of tuition fees paid upfront as this is set out in the College's Tuition Fee and Refund Policy.

3. Definitions:

Term	Definition
<i>Academic staff / teaching staff</i>	Permanent and casual employees engaged in teaching and assessment of courses at the institution.
<i>College (the)</i>	The Australian College of Applied Psychology (ACAP).
<i>HELP</i>	Australian Government-provided financial assistance provided to students through the Higher Education Loan Program, including: <ul style="list-style-type: none"> ▪ VET Student Loans ▪ VET FEE-HELP ▪ FEE-HELP

Term	Definition
<i>International student/ Overseas student</i>	A student required to hold a student visa for study in Australia.
<i>Secretary</i>	The Secretary of the Department of Education and Training.
<i>Special circumstances¹</i>	<p>As applicable to this policy, special circumstances:</p> <ul style="list-style-type: none"> ▪ Are beyond a person's control AND ▪ Do not make their full impact until on or after the census date for the unit of study in question AND ▪ Make it impracticable for a person to complete the requirements for the unit of study. <p>The situation must be unusual, uncommon or abnormal to be considered as a special circumstance.</p> <p>For circumstances to be considered by the College to be beyond a person's control, a reasonable person would consider that the affected person was not responsible either directly or indirectly for the circumstances, or as a result of the affected person's actions or inactions,</p> <p>The College needs to be satisfied that the circumstances did not have a full impact on the person until either on or after the census date for a unit of study if the person's circumstances occur:</p> <ul style="list-style-type: none"> ▪ Before the census date but worsen after that date; ▪ Before the census date, but the full effect or magnitude does not become apparent until on or after that date; or ▪ On or after the census date.
<i>Unacceptable Conduct</i>	The meaning given under Part 8 Division 2 Clause 148 of the VET Student Loans Rules 2016
<i>Unit</i>	A unit of study in a higher education course or a unit of study, module and/or unit of competency in a vocational education and training course.

4. Procedure:

4.1 The College commits to:

- a) re-credit a HELP balance for a unit that has been withdrawn due to evidenced special circumstances in the manner set out in this policy and procedure after the unit's census date;
- b) set a census date for each unit that is no earlier than 20% of the way through the scheduled unit duration;
- c) ensure the census date for each unit is published on the College's website at a location that does not require contact with the College to obtain, in advance of student enrolment for the next applicable academic period ;
- d) ensure the College's policy and procedures associated with the refund of tuition fees paid upfront to the College and re-crediting of HELP loan balances for tuition fees are published on the College's website in a location that does not require contact with the College to access;
- e) maintain membership with the Australian Government approved Tuition Assurance Scheme Australian Council for Private Education and Training (ASTAS) to provide assurance for intending and current students of courses that lead to the issuance of an AQF award that they will be

¹ HESA 36-21; HE Admin Guidelines Chapter 3;

offered a suitable alternative course or have their HELP balance re-credited if the College cannot provide the course for which the student has received a HELP loan.

4.2 Withdrawing or Varying Enrolment Prior to the Census Date

Students who withdraw from a unit or vary their enrolment on or before the unit's published census date must do this in writing and should use the Variation of Enrolment or Withdrawal from Course of Study form available on the website. Students will not incur a HELP debt for the unit(s) which they have withdrawn from.

4.3 Re-crediting of HELP Balance after the Census Date

- 4.3.1** Students who withdraw from or are unable to complete their studies after the relevant census date will incur a HELP debt for their enrolment in that period, unless special circumstances apply as defined in this policy. Students must complete and lodge the appropriate Withdrawal from Unit/Module and/or Course (post census) form and Special Circumstances Application under the 'forms' section of the website, and lodge according to instructions on the form.
- 4.3.2** Applications for special circumstances must be made within 12 months of the withdrawal date, or in the case of VET Student Loans 12 months of the relevant census date. The College has the discretion to waive this requirement if the College is satisfied that the application could not be made within the specified time limit.
- 4.3.3** The Campus Manager will consider the student's application and notify the student within 20 working days. The College reserves the right to consult with other areas of the College as part of the decision process.
- 4.3.4** If the student's application is successful, the Notice of Decision letter will include:
- the reasons for the decision to re-credit the applicant's HELP balance;
 - the HELP balance that will be re-credited and the HELP debt that will be reduced (if applicable);
 - the upfront payment amount that will be refunded if such a payment has been made;
 - contact details for who to contact in order to answer any further questions in relation to the Notice of Decision.
- 4.3.5** If a student's application is unsuccessful, the Notice of Decision letter will include:
- the reasons for the decision not to refund the paid tuition fees and/or re-credit the applicant's HELP balance;
 - how to submit a valid request for a review of this decision;
 - contact details for who to contact in order to answer any further questions in relation to the Notice of Decision
- 4.3.6** Where a request to re-credit a student's HELP balance is granted, the student's HELP debt will be removed in respect of the applicable units studied and the college will refund to the Commonwealth the amount of HELP paid to the college on behalf of the student. The College will notify the Department of Education and Training through a HELP Variations File submission.
- #### **4.4 VET FEE-HELP student redress**
- 4.4.1** VET FEE-HELP debt incurred because of inappropriate conduct by a VET FEE HELP provider or their agent can be removed by the Department of Education and Training.
- 4.4.2** Students who believe they have incurred a debt because of inappropriate conduct by the College's RTO should be advised to contact the VET Student Loan Ombudsman (VSLO) at <https://vet.ombudsman.gov.au/> to seek redress.

4.5 Re-crediting by the Secretary

4.5.1 A student may apply to the Secretary to re-credit their VET Student Loan balance in relation to special circumstances if the College is unable to act, is being wound up or has been dissolved; or has failed to act and the Secretary is satisfied that the failure is unreasonable.

A student may also apply to the Secretary for their VET Student Loan balance to be re-credited in the event the College or person acting on the College's behalf engaged in unacceptable conduct in relation to a student's application for a VET student loan, or the College has failed to comply with the Act, or an instrument under the Act and the failure has adversely affected the student.

4.5.2 Applications for re-crediting by the Secretary must be made within 5 years after the census date for the course, or the part of the course concerned.

4.6 Review Procedure

4.6.1 This procedure deals with requests for a review of certain decisions made by the College relating to applications by students to re-credit their HELP balance or Student Learning Entitlement (SLE). Such decisions refer to unsuccessful applications by a student to re-credit their HELP balance or Student Learning Entitlement (SLE). Review means formal reconsideration of a decision.

These procedures are to be published in the Student handbook and on the College website so that students have up to date information publicly available to them in regard to these procedures.

4.6.2 At the College, the review officer is the Finance Director or his or her delegate.

4.6.3 Where a student is not satisfied with the decision made by the College, they may apply for a review of the decision. Reviewable decisions include:

- Refusal to re-credit some or all of a student's student learning entitlement for a unit of study,
- Refusal to re-credit a student's HELP balance.

4.6.4 If the applicant is not satisfied with the outcome of their request for a re-credit of their HELP balance, the applicant may appeal, in writing, to the Finance Director within 28 days from the date that they first receive notice of the outcome.

4.6.5 The request must specify the reasons for seeking the review. The request will be forwarded to the reviewer (the Finance Director or their delegate). The review officer reserves the right to consult with other areas of the College as part of the review process. There is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal.

4.6.6 The College will acknowledge receipt of an application for review of a reviewable decision in writing, and will inform the applicant that they will be advised in writing of a decision within 45 days.

4.6.7 Written notice of the outcome of a reviewed decision relating to HELP will be given to an applicant for review. If the application for review of the decision is successful, the Notice of Decision letter will include the reasons for the decision to refund the applicant's paid tuition fees and/or re-credit the applicant's HELP balance; the HELP balance that will be re-credited and the HELP debt that will be reduced (if applicable); the upfront payment amount that will be refunded if such a payment has been made; and who to contact for further questions.

4.7 Appeals Procedure

If a student's application for review of the decision is unsuccessful, the Notice of Decision letter will inform the applicant of their right of appeal to the Administrative Appeals Tribunal (AAT) and provide details about contacting the AAT and the approximate costs of making an application.

To contact the Administrative Appeals Tribunal click <http://www.aat.gov.au/ContactUs.htm> and select the state or contact the AAT via email at aatweb@aat.gov.au. Information on the cost of lodging an appeal with the AAT is provided on the Tribunals website at:

<http://www.aat.gov.au/FormsAndFees/Fees.htm>.

4.8 Administrative Fees

No administrative fees will be charged for a unit withdrawn prior to the unit's published census date.

4.9 Applicable Forms Location

Re-crediting Scenario	Applicable Form	Form Location
Variation or Withdrawal From Study Before Or On Census Date.	<i>Variation of Enrolment</i>	http://www.acap.edu.au/assets/NPI-ACAP-NCPS-1791-Variation-of-Enrolment-Form-Editable.pdf
	<i>Withdrawal from Course of Study</i>	http://my.acap.edu.au/onlineforms/application_for_withdrawal_from_course
Re-crediting of HELP Balance After the Census Date	<i>Special Circumstances Application</i>	https://www.acap.edu.au/assets/Uploads/NPI-Application-For-Special-Circumstances-Form-2.pdf
	<i>Withdrawal from Unit/Module and/or Course (post census)</i>	http://my.acap.edu.au/onlineforms/application_for_withdrawal_from_units
Lodging a Refund Related Grievance/Complaint or Appeal	<i>Non-Academic Grievance and Appeals Policy and Procedures</i>	https://www.acap.edu.au/assets/Uploads/Grievances-Complaints-and-Appeals-Policy.pdf https://www.acap.edu.au/assets/Uploads/Grievances-Complaints-and-Appeals-Procedure.pdf

5. Document Management Control

Date	Summary of Changes	Reviewer Name and Department/Office
01/06/2015	Policy Established	Business Manager, Finance
14/08/2018	Review and significant amendments	Finance Director
12/10/2018	Change of template	VET Compliance Manager
5/03/2019	Add 4.4 'VET FEE-HELP student redress'	Dean