



ESOS COMPLIANCE MANUAL FOR STAFF

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1 PURPOSE

To articulate and support the College's commitment to complying with the [ESOS regulatory framework](#) that establishes the minimum requirements for education programs that are delivered to international students.

All staff have a responsibility to ensure that their activities on behalf of the College, and those of their colleagues and subordinates, comply with the [ESOS regulatory framework](#). All staff are required to:

- comply with all relevant [ESOS legislation](#);
- familiarise themselves with the College's [policies and procedures](#) relating to international students that affect their workplace and activities;
- report perceived breaches or weaknesses of the College's ESOS compliance for inclusion in the College's breaches register.

2 OBJECTIVES

To describe how Asia Pacific International College (APIC) complies with the Education Services for Overseas Students Act 2000 (ESOS Act), the Education Services for Overseas Students Regulations 2001 (ESOS Regulations) and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code).

This manual has been developed to ensure that all relevant staff are aware of their obligations with respect to the regulatory framework.

3 ESOS FRAMEWORK

The ESOS framework comprises principally the ESOS Act, its Regulations (the ESOS Regulations), the Education Services for Overseas Students (Registration Charges) Act 1997 (the ESOS Charges Act), the Education Services for Overseas Students (TPS Levies Act) 2012 and the National Code. The ESOS framework is complemented by the Migration Act 1958 and its Regulations and various state and territory legislation relevant to the education and training of overseas students.

The ESOS Act and the ESOS Regulations set out the rules and regulations for the registration of providers, obligations on registered providers, the operation of the ESOS Assurance Fund, enforcement of the ESOS legislative framework and the establishment of the National Code. The ESOS Charges Act specifies the registration charges applying to CRICOS registered providers. The National Code gives these rules and regulations a practical application by providing nationally consistent standards for the registration and conduct of registered providers and the conduct of persons who deliver educational services on behalf of registered providers.

4 NATIONAL CODE

The National Code is a set of nationally consistent standards that governs the protection of international students and delivery of courses to those students by providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

Only CRICOS courses can be offered to international students studying in Australia on a student visa.

Under the ESOS Act, registered providers are required to notify both students and the Australian Government when students have breached their student visa conditions as a result of having failed to maintain satisfactory course progress or attendance.

The National Code also sets out the course progress and/or course attendance requirements which registered providers must apply to overseas students. It provides nationally consistent standards to enable registered providers to meet their obligations to support student visa integrity.

4.1 Objectives

The objectives of the National Code are to:

- a. support the ESOS framework, including supporting the effective administration of the framework by the Australian Government and state and territory governments;

- b. establish and safeguard Australia’s international reputation as a provider of high quality education and training by:
 - i. ensuring that education and training for overseas students meets nationally consistent standards, and
 - ii. ensuring the integrity of registered providers
- c. protect the interests of overseas students by:
 - i. ensuring that appropriate consumer protection mechanisms exist
 - ii. ensuring that student welfare and support services for overseas students meet nationally consistent standards, and
 - iii. providing nationally consistent standards for dealing with student complaints and appeals
 - iv. support registered providers in monitoring student compliance with student visa conditions and in reporting any student breaches to the Australian Government.

4.2 National Code 2017 structure

The [National Code 2017](#) is divided into four parts:

- [Part A](#) includes a description of its role in the ESOS legislative framework and its purpose and objectives.
- [Part B](#) outlines the roles and responsibilities of the Australian and state and territory governments which share the responsibility for implementing the Code.
- [Part C](#) outlines the CRICOS registration process including providers’ requirements and obligations.
- [Part D](#) provides 15 standards that providers must meet in their interactions with international students.

5 REGISTRATION ON CRICOS

The Department of Education and Training is responsible for the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). Only education institutions registered under the ESOS Act and listed on CRICOS can enrol overseas students to study in Australia on a student visa.

Providers can only be registered on CRICOS where they have been approved by the relevant ESOS agency, TEQSA, to provide courses of education or training to overseas students. This approval can only be given where the provider to be registered has been found to comply with all the requirements for registration under the ESOS Act. This includes complying with the requirements of the National Code.

Registration on CRICOS is for a particular course at a particular location.

In the event that a change of ownership of the registered provider results in a change to the previous legal entity registered on CRICOS, the new entity must obtain its own CRICOS registration.

Courses delivered entirely by online or distance learning cannot be registered on CRICOS

Only courses which can be undertaken on a full-time basis can be registered on CRICOS.

A course will not be registered on CRICOS unless it meets the relevant Australian Qualifications Framework requirements.

6 NATIONAL CODE STANDARDS

The standards for registered providers set out the obligations on registered providers in delivering education and training to overseas students. These standards detail the specific requirements registered providers must meet to comply with their obligations. These obligations need to be met at the point of CRICOS registration and throughout the CRICOS registration period.

6.1 Standard 1 – Marketing information and practices

The registered provider must ensure the marketing of its education and training services is undertaken in a professional manner and maintains the integrity and reputation of the industry and registered providers.

The registered provider must:

- a. clearly identify the registered provider’s name and CRICOS number in written marketing and other material for students, including electronic form, and

- b. not give false or misleading information or advice in relation to:
 - i. claims of association between providers
 - ii. the employment outcomes associated with a course
 - iii. automatic acceptance into another course
 - iv. possible migration outcomes, or
 - v. any other claims relating to the registered provider, its course or outcomes associated with the course.

The registered provider must not actively recruit a student where this clearly conflicts with its obligations under Standard 7 (Transfer between registered providers).

6.2 Standard 2 – Student engagement before enrolment

Prior to accepting a student, or an intending student, for enrolment in a course, the registered provider must provide, in print or through referral to an electronic copy, current and accurate information regarding the following:

- a. the 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
- b. the course content and duration, qualification offered if applicable, modes of study and assessment methods
- c. campus locations and a general description of facilities, equipment, and learning and library resources available to students
- d. details of any arrangements with another registered provider, person or business to provide the course or part of the course
- e. indicative course-related fees including advice on the potential for fees to change during the student's course and applicable refund policies
- f. information about the grounds on which the student's enrolment may be deferred, suspended or cancelled
- g. a description of the ESOS framework made available electronically by DET, and
- h. relevant information on living in Australia, including:
 - i. indicative costs of living
 - ii. accommodation options, and
 - iii. where relevant, schooling obligations and options for school-aged dependants of intending students, including that school fees may be incurred.

The registered provider must have documented procedures in place, and implement these procedures to assess whether the student's qualifications, experience and English language proficiency are appropriate for the course for which enrolment is sought.

6.3 Standard 3 – Formalisation of enrolment

The registered provider must enter into a written agreement with the student, signed or otherwise accepted by that student (or the student's parent or legal guardian if the student is under 18 years of age), concurrently with or prior to accepting course money from the student. The agreement must:

- a. identify the course or courses in which the student is to be enrolled and any conditions on his or her enrolment
- b. provide an itemised list of course money payable by the student
- c. provide information in relation to refunds of course money
- d. set out the circumstances in which personal information about the student may be shared between the registered provider and the Australian Government and designated authorities and, if relevant,

the Tuition Assurance Scheme and the ESOS Assurance Fund Manager. This information includes personal and contact details, course enrolment details and changes, and the circumstance of any suspected breach by the student of a student visa condition, and

- e. advise the student of his or her obligation to notify the registered provider of a change of address while enrolled in the course.

The registered provider must include in the written agreement the following information, which is to be consistent with the requirements of the ESOS Act, in relation to refunds of course money in the case of student and provider default:

- a. amounts that may or may not be repaid to the student (including any course money collected by education agents on behalf of the registered provider)
- b. processes for claiming a refund
- c. a plain English explanation of what happens in the event of a course not being delivered, and
- d. a statement that “This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia’s consumer protection laws”.

6.4 Standard 4 – Education agents

The registered provider must enter into a written agreement with each education agent it engages to formally represent it. The agreement must specify the responsibilities of the education agent and the registered provider and the need to comply with the requirements in the National Code. The agreement must also include:

- a. processes for monitoring the activities of the education agent, including where corrective action may be required, and
- b. termination conditions, including providing for termination in the circumstances outlined in Standard 4.4.

The registered provider must ensure that its education agents have access to up-to-date and accurate marketing information as set out in Standard 1 (Marketing information and practices).

The registered provider must not accept students from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:

- a. engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Transfer between registered providers).
- b. facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa
- c. using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide a student, or
- d. providing immigration advice where not authorised under the *Migration Act 1958* to do so.

Where the registered provider has entered into an agreement with an education agent and subsequently becomes aware of, or reasonably suspects, the engagement by that education agent, or an employee or sub-contractor of that agent, of the conduct set out in Standard 4.3, the registered provider must terminate the agreement with the education agent. This paragraph does not apply where an individual employee or sub-contractor of the education agent was responsible for the conduct set out in Standard 4.3 and the education agent has terminated the relationship with that individual employee or sub-contractor.

The registered provider must take immediate corrective and preventative action upon the registered provider becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education and training.

6.5 Standard 5 – Younger students

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:

- a. nominate the dates for which the registered provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements using the DIBP pro forma letter available through PRISMS
- b. advise DIBP in writing of the approval using the DIBP pro forma letter available through PRISMS
- c. have documented procedures for checking the suitability of the student's accommodation, support and general welfare arrangements, and
- d. advise DIBP 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 DIBP pro forma letter available through PRISMS.

Where Standard 5.1 applies and the student is under 18 with a student visa that covers multiple courses, the registered provider with whom the student is currently enrolled is responsible for approving arrangements for the student's accommodation, support and general welfare during that nominated period.

Where Standard 5.1 applies and the registered provider suspends or cancels the enrolment of the student, the registered provider must continue to check the suitability of arrangements for that student until:

- a. the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements
- b. the student leaves Australia
- c. other suitable arrangements are made that satisfy the Migration Regulations, or
- d. the registered provider reports under Standard 5.1.d that it can no longer approve of the arrangements for the student.

6.6 Standard 6 – Student support services

The registered provider 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.

The registered provider must provide the opportunity for students to participate in services or provide access to services designed to assist students in meeting course requirements and maintaining their attendance.

The registered provider must provide the opportunity for students to access welfare-related support services to assist with issues that may arise during their study, including course progress and attendance requirements and accommodation issues. These services must be provided at no additional cost to the student. If the registered provider refers the student to external support services, the registered provider must not charge for the referral.

The registered provider 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.

The registered provider must designate a member of staff or members of staff to be the official point of contact for students. The student contact officer or officers must have access to up-to-date details of the registered provider's support services.

The registered provider must have sufficient student support personnel to meet the needs of the students enrolled with the registered provider.

The registered provider must ensure that its staff members who interact directly with students are aware of the registered provider's obligations under the ESOS framework and the potential implications for students arising from the exercise of these obligations.

6.7 Standard 7 – Transfer between registered providers

The receiving registered provider must not knowingly enrol the 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:

- a. the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
- b. the original registered provider has provided a written letter of release
- c. 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
- d. 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.

The registered provider must have and implement its documented student transfer request assessment policy and procedure, which is available to staff and students. The policy must specify:

- a. the circumstances in which a transfer will be granted
- b. the circumstances the registered provider considers as providing reasonable grounds for refusing the student's request, including when a transfer can be considered detrimental to the student, and
- c. a reasonable timeframe for assessing and replying to the student's transfer request having regard to the restricted period.

The registered provider must grant a letter of release only where the student has:

- a. provided a letter from another registered provider confirming that a valid enrolment offer has been made, and
- b. where the student is under 18;
 - i. the registered provider has written confirmation that the student's parent or legal guardian supports the transfer, and
 - ii. where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support and general welfare arrangements as per Standard 5 (Younger students).

A letter of release, if granted, must be issued at no cost to the student and must advise the student of the need to contact DIBP to seek advice on whether a new student visa is required.

Where the registered provider does not grant a letter of release, the student must be provided with written reasons for refusing the request and must be informed of his or her right to appeal the registered provider's decision in accordance with Standard 8 (Complaints and appeals).

The registered provider must maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file.

6.8 Standard 8 – Complaints and appeals

The registered provider must have an appropriate internal complaint handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes as long as it meets these requirements:

- a. a process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept
- b. each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself

- c. each party may be accompanied and assisted by a support person at any relevant meetings
- d. the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome, and
- e. the process commences within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.

The registered provider must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.

If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the registered provider must advise the student of his or her right to access the external appeals process at minimal or no cost.

If the student chooses to access the registered provider's complaints and appeals processes as per this standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is ongoing.

If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

6.9 Standard 9 – Completion within the expected duration of study

The registered provider must have and implement documented policies and procedures for monitoring 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, the registered provider must ensure that in each compulsory study period for a course, the student is studying at least one unit that is not by distance or online learning.

The registered provider 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 (e.g. illness where a medical certificate states that the student was unable to attend classes or where the registered provider was unable to offer a pre-requisite unit)
- b. the registered provider implementing its 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 Standard 13.

Where there is a variation in the student's enrolment load which may affect the student's expected duration of study in accordance with the above section, the registered provider is to record this variation and the reasons for it on the student file. The registered provider must correctly report the student via PRISMS and/or issue a new CoE when the student can only account for the variation/s by extending his or her expected duration of study.

The registered provider may allow the student to undertake no more than 25 per cent of the student's total course by distance and/or online learning. However, the registered provider must not enrol the student exclusively in distance or online learning units in any compulsory study period.

Except in the circumstances specified in the above section, the expected duration of study specified in the student's CoE must not exceed the CRICOS registered course duration.

6.10 Standard 10 – Monitoring course progress

The registered provider must monitor, record and assess the course progress of each student for each unit of the course for which the student is enrolled in accordance with the registered provider's documented course progress policies and procedures.

The registered provider must have and implement appropriate documented course progress policies and procedures for each course, which must be provided to staff and students, that specify the:

- a. requirements for achieving satisfactory course progress
- b. process for assessing satisfactory course progress
- c. procedure for intervention for students at risk of failing to achieve satisfactory course progress
- d. process for determining the point at which the student has failed to meet satisfactory course progress, and
- e. procedure for notifying students that they have failed to meet satisfactory course progress requirements.

The registered provider must assess the course progress of the student in accordance with the registered provider's course progress policies and procedures at the end point of every study period.

The registered provider must have a documented intervention strategy, which must be made available to staff and students, that specifies the procedures for identifying and assisting students at risk of not meeting the course progress requirements. The strategy must specify:

- a. procedures for contacting and counselling identified students
- b. strategies to assist identified students to achieve satisfactory course progress, and
- c. the process by which the intervention strategy is activated.

The registered provider must implement the intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements. At a minimum, the intervention strategy must be activated where the student has failed or is deemed not yet competent in 50% or more of the units attempted in any study period.

Where the registered provider has assessed the student as not achieving satisfactory course progress, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory course progress. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.

Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DET through PRISMS of the student not achieving satisfactory course progress as soon as practicable.

6.11 Standard 11 – Monitoring attendance

The registered provider must record the attendance of each student for the scheduled course contact hours for each CRICOS registered course in which the student is enrolled which is:

- a. an accredited vocational education and training course (unless Standard 11.2 applies)
- b. an accredited school course
- c. an accredited or non-award ELICOS course, or
- d. another non-award course^[3].

Where the registered provider implements the DET and DIBP approved course progress policy and procedures for its vocational education and training courses, Standard 11 does not apply.

For the courses identified above (11.1), the registered provider must have and implement appropriate documented attendance policies and procedures for each course which must be provided to staff and students that specify the:

- a. requirements for achieving satisfactory attendance, which at a minimum, requires overseas students to attend at least 80 per cent of the scheduled course contact hours
- b. manner in which attendance and absences are recorded and calculated
- c. process for assessing satisfactory attendance

- d. process for determining the point at which the student has failed to meet satisfactory attendance, and
- e. procedure for notifying students that they have failed to meet satisfactory attendance requirements.

For the courses identified above (11.1), the registered provider's attendance policies and procedures must identify the process for contacting and counselling students who have been absent for more than five consecutive days without approval or where the student is at risk of not attending for at least 80 per cent of the scheduled course contact hours for the course in which he or she is enrolled (i.e. before the student's attendance drops below 80 per cent).

For the courses identified above (11.1), the registered provider must regularly assess the attendance of the student in accordance with the registered provider's attendance policies and procedures.

Where the registered provider has assessed the student as not achieving satisfactory attendance for the courses identified above, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory attendance. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.

Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DET through PRISMS that the student is not achieving satisfactory attendance as soon as practicable.

For the vocational education and training and CRICOS registered non-award courses identified above in the first section of 11 at a and d (11.1a and d), the registered provider may only decide not to report the student for breaching the 80 per cent attendance requirement where:

- a. that decision is consistent with its documented attendance policies and procedures, and
- b. the student records clearly indicate that the student is maintaining satisfactory course progress, and
- c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled.

For the ELICOS and CRICOS registered school courses identified above, the registered provider may only decide not to report a student for breaching the 80 per cent attendance requirement where:

- a. the student produces documentary evidence clearly demonstrating that compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes) apply, and
- b. that decision is consistent with its documented attendance policies and procedures, and
- c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled.

6.12 Standard 12 – Course credit

Where the registered provider grants course credit, the registered provider must:

- a. have documented procedures for the granting and recording of course credit, and
- b. provide a record of the course credit to the student, which must be signed or otherwise accepted by the student, and place it on the student's file.

If the registered provider grants the student course credit which leads to a shortening of the student's course, the registered provider must:

- a. if the course credit is granted before the student visa grant, indicate the actual net course duration (as reduced by course credit) in the confirmation of enrolment issued for that student for that course, or
- b. if the course credit is granted after the student visa grant, report the change of course duration via PRISMS under section 19 of the ESOS Act.

6.13 Standard 13 – Deferring, suspending or cancelling the student’s enrolment

The registered provider must have in place documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student’s file of the assessment of the application.

The registered provider can only defer or temporarily suspend the enrolment of the student on the grounds of:

- a. compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes), or
- b. misbehaviour by the student.

The registered provider must:

- a. inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa, and
- b. notify the Secretary of DET via PRISMS as required under section 19 of the ESOS Act where the student’s enrolment is deferred, temporarily suspended or cancelled.

The registered provider must inform the student of its intention to suspend or cancel the student’s enrolment where the suspension or cancellation is not initiated by the student and notify the student that he or she has 20 working days to access the registered provider’s internal complaints and appeals process as per Standard 8.1. If the student accesses the registered provider’s internal complaints and appeals process, the suspension or cancellation of the student’s enrolment under this standard cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

6.14 Standard 14 – Staff capability, educational resources and premises

The registered provider must have and implement policies and procedures to ensure its staffing resources are adequate and have the capabilities as required by the quality assurance framework applying to the course. Where the course provided by the registered provider is not subject to an appropriate quality assurance framework, the registered provider must have and implement appropriate documented policies and processes for the recruitment, induction, performance assessment and ongoing development of members of staff involved with the recruitment or delivery of education or client services to students.

The registered provider must have adequate education resources, including facilities, equipment, learning and library resources and premises as required by the quality assurance framework applying to the course. Where the course provided by the registered provider is not subject to an appropriate quality assurance framework, the registered provider must ensure it has adequate education resources, including facilities, equipment, learning and library resources, and premises, including ownership or tenancy arrangements for the premises, as are needed to deliver the registered course to the students enrolled with the registered provider.

14.3 The registered provider must notify the ESOS agency, or the relevant DSA if the provider is a school, and the students enrolled with the registered provider of any intention to relocate premises (including the head office and campus locations) at least 20 working days before the relocation.

6.15 Standard 15 – Changes to registered providers’ ownership or management

The registered provider must advise the ESOS agency, or the relevant DSA if the provider is a school, in writing of:

- a. any prospective changes to the ownership of the registered provider as soon as practicable prior to the change taking effect, and
- b. any prospective or actual change to the high managerial agents (as defined in section 5 of the ESOS Act) of the registered provider as soon as practicable prior to the change taking effect or within 10 working days of the change taking effect where the change cannot be determined until it takes effect.

The registered provider must provide the ESOS agency, or the relevant DSA if the provider is a school, with information on the new owner or high managerial agent for the purpose of making an assessment under section 7A of the ESOS Act.

7 APIC POLICIES AND PROCEDURES SHOWING ESOS COMPLIANCE

Table 1 – List of Policies and Procedures Showing ESOS Compliance

Standard	Description	Policy/Procedure/Guideline
1	Marketing Information and Practices	<ul style="list-style-type: none"> • <i>ECA Agents Policies and Procedures</i> • <i>Agreement between APIC and ECA for Marketing and Recruitment</i>
2	Student Engagement Before Enrolment	<ul style="list-style-type: none"> • <i>Admission Policy</i> • <i>Admission Procedure</i> • <i>Letter of Offer</i> • <i>Withdrawal Policy and Procedure</i>
3	Formalisation of Enrolment	<ul style="list-style-type: none"> • <i>Enrolment Policy</i> • <i>Refund Policy</i> • <i>Refund Procedure</i> • <i>Letter of Offer</i> • <i>Withdrawal Policy and Procedure</i> • <i>Privacy Policy</i>
4	Education Agents	<ul style="list-style-type: none"> • <i>ECA Authorised Agent Agreement</i> • <i>Agent Appointment Process</i> • <i>Agent Performance Audit</i> • <i>Agent Referee Report Summary</i> • <i>Agent Training Checklist</i> • <i>Agents Certificate Template</i> • <i>Authorised Agent Application Form 17-18</i> • <i>ECA Agent Ref Check Email</i> • <i>ECA Agent Renewal Non-Renewal Emails</i> • <i>ECA Agent Warning Letters</i> • <i>ECA Personalised Intro & Welcome Email</i> • <i>New Agent Approval-Non Approval Templates</i>
5	Younger overseas students	Not Applicable
6	Student Support Services	<ul style="list-style-type: none"> • <i>Student Handbook</i> • <i>Equity and Diversity Policy</i> • <i>Critical Incident Policy</i> • <i>Critical Incident Register</i>
7	Transfer Between Registered Providers	<ul style="list-style-type: none"> • <i>Withdrawal Policy and Procedure</i> • <i>Refund Policy</i> • <i>Refund Procedure</i> • <i>Credit Arrangements and Recognised Prior Learning</i>
8	Complaints and appeals	<ul style="list-style-type: none"> • <i>Student Grievance and Appeals Policy</i> • <i>Academic Appeal Procedure</i> • <i>Academic Complaint Procedure</i> • <i>Non-Academic Appeal Procedure</i> • <i>Non-Academic Complaint Procedure</i>
9	Completion within expected duration	<ul style="list-style-type: none"> • <i>Academic and Course Progress Policy</i> • <i>Enrolment Policy</i> • <i>Award of Grades Policy</i>
10	Monitoring course progress	<ul style="list-style-type: none"> • <i>Assessment Policy</i>

		<ul style="list-style-type: none"> • <i>Academic and Course Progress Policy</i>
11	Monitoring attendance	<ul style="list-style-type: none"> • <i>Attendance Policy</i>
12	Course credit	<ul style="list-style-type: none"> • <i>Credit Arrangements and Recognition of Prior Learning Policy</i> • <i>Guidelines for Recognising Uncredentialed Learning</i>
13	Deferment, suspension or cancellation of study during enrolment	<ul style="list-style-type: none"> • <i>Academic and Course Progress Policy</i> • <i>Enrolment Policy</i> • <i>Withdrawal Policy and Procedure</i> • <i>Refund Policy</i> • <i>Refund Procedure</i> • <i>Student Misconduct Policy</i> • <i>Student Non-Academic Misconduct Policy</i> • <i>Student Grievance and Appeals Policy</i> • <i>Non-Academic Appeal Procedure</i> • <i>Non-Academic Complaint Procedure</i> • <i>Academic Appeal Procedure</i> • <i>Academic Complaint Procedure</i>
14	Staff capability, educational resources and premises	<ul style="list-style-type: none"> • <i>Academic Staff Qualifications and Equivalence Policy</i> • <i>Academic Staff Development Policy</i> • <i>Freedom of Intellectual Inquiry Policy</i> • <i>Intellectual Property Policy</i> • <i>Quality Management Framework</i> • <i>Staff Recruitment Policy</i> • <i>Staff Induction Policy</i>
15	Changes to registered providers' ownership or management	<ul style="list-style-type: none"> • <i>TEQSA Material Change Policy</i> • <i>Fit and Proper Person Declarations</i>

8 DOCUMENT CHANGE CONTROL

<i>Version</i>	<i>Change Description</i>	<i>Date</i>	<i>Author</i>
2.0	Updated and placed in new format	1 July 2017	Corinne Green

APPENDIX A – DEFINITIONS AND ACRONYMS

DEFINITIONS

Accrediting authority	Refers to the organisation designated by or under legislation of the Australian Government or appropriate state or territory government to accredit persons or organisations to offer education or training services to Australian students.
Campus	An education facility or site of the registered provider where classroom-based teaching or off the job training occurs.
Compulsory study period	A compulsory study period is one in which the student must enrol unless granted a deferment or suspension from enrolment or leave of absence under Standard 13 (Deferring, suspending or cancelling the student’s enrolment). A compulsory study period does not include periods in which the student can elect to undertake additional studies. See also ‘Study period’.
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. It confirms the overseas student’s eligibility to enrol in the particular course of the registered provider.
Corrective action	Action to eliminate the cause of a detected nonconformity or other undesirable situation.
Course	A course of education or training as defined in the ESOS Act.
Course-related fees	Includes: <ul style="list-style-type: none"> • all tuition fees as defined by section 7 of the ESOS Act, and • all optional fees or charges.
Course credit	Exemption from enrolment in a particular part of the course as a result of previous study, experience or recognition of a competency currently held. Includes academic credit and recognition of prior learning.
Course progress	The measure of advancement within a course towards the completion of that course irrespective of whether course completion is identified through academic merit or skill based competencies.
CRICOS	The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is the register prescribed under section 14A of the ESOS Act.
Critical incident	A traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury.
Designated State authority (DSA)	Has the meaning given in the ESOS Act.
Distance learning	Study in which the teacher and overseas student are separated in time or space throughout the duration of the unit of study (including online learning), but does not include study where the student is resident in his or her home country or another country offshore and does not hold a student visa. Distance learning differs from online learning in that the study may be undertaken through written correspondence and exchange of hard copy materials.
Domestic student	Refers to all students who are not overseas students as defined in the National Code.
Education agent	A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may

	<p>provide education counselling to overseas students as well as marketing and promotion services to education providers.</p> <p>Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).</p>
Enrolment	<p>Where the student has been issued with a CoE to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards the completion of the course requirements. The period of enrolment includes scheduled breaks between study periods.</p>
ESOS agency	<p>Has the meaning given by section 6C of the ESOS Act.</p>
ESOS framework	<p>Principally comprises the <i>Education Services for Overseas Students Act 2000</i> (ESOS Act), the <i>Education Services for Overseas Students Regulations 2000</i> (the ESOS Regulations), the <i>Education Services for Overseas Students (Registration Charges) Act 1997</i> (the ESOS Charges Act), the <i>Education Services for Overseas Students (TPS Levies) Act 2012</i> and the National Code.</p> <p>The ESOS framework is supported by the <i>Migration Act 1958</i> and the <i>Migration Regulations 1994</i> and various state and territory legislation relevant to the education of overseas students.</p>
Information	<p>Includes electronic and paper-based formats.</p>
Marketing	<p>Promotion of the provider and its courses and facilities to prospective overseas students and their parents or guardians, education agents, international organisations and other interested parties such as alumni.</p>
Migration agent	<p>A person registered as a migration agent as per section 286 of the <i>Migration Act 1958</i>.</p>
Mixed mode	<p>See mode of study</p>
Mode of study	<p>Includes attendance face-to-face in a classroom, supervised study on the registered provider's campus, distance learning, online learning and work-based learning. Mixed mode refers to a combination of two or more of these modes.</p>
Online learning	<p>Study in which the teacher and overseas student communicate mainly through electronic technologies for the unit. For the purpose of the National Code, permissible online learning does not include study where the student is resident in his or her home country or another country, does not hold a student visa and is undertaking a unit of study with a registered provider which is located in Australia.</p>
Overseas student	<p>A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act, but does not include students of a kind prescribed in the ESOS Regulations.</p> <p>Where the student is under 18 years of age and the student is required to exercise rights, or enter obligations as a legal person, this term may refer to the student's parent or legal guardian.</p>
Preventative action	<p>Action to eliminate the cause of a possible nonconformity or otherwise undesirable potential situation.</p>
Principal course of study	<p>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 student visa that covers multiple courses.</p>

PRISMS	The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to the Secretary of DET by registered providers.
Provider	An institution or other body or person in Australia that provides or seeks to provide CRICOS registered courses to overseas students as defined by the ESOS Act.
Provider default	Where the registered provider fails to provide a course, or ceases to provide a course to an overseas student within the meaning of section 46A of the ESOS Act.
Recruitment	The pre-enrolment processes of engaging and assisting overseas students (or parent or guardian if the overseas student is under 18) to apply for a place in a course with a provider leading up to the formal enrolment, including assistance with administrative issues and the issuing of a Confirmation of Enrolment for an application for a student visa.
Registered provider	As defined in section 5 of the ESOS Act, the registered provider for a course for a location means a provider that is registered to provide the course at the location.
Registration	The process whereby a provider is registered by an ESOS agency under the ESOS Act to provide a specified course to overseas students at a specified location. Registration also means re-registration.
Scheduled course contact hours	The hours for which students enrolled in the course are scheduled to attend classes, course-related information sessions, supervised study sessions, mandatory and supervised work-based training and examinations.
Self-accrediting provider	Self-accrediting institutions are established by or under relevant Australian Government or state or territory government legislation with the authority to accredit their own courses.
State	Includes the Australian Capital Territory and the Northern Territory.
Student	Refers to an overseas student as defined above in all cases except where otherwise explicitly stated.
Student contact officer	Employee(s) of the registered provider deemed to have an appropriate level of skill, knowledge and expertise who is able to provide advice to overseas students on a range of matters.
Student default	Where an overseas student does not start a course, or withdraws from a course as defined in section 47A(2) of the ESOS Act.
Student visa	An authorisation permitting people who are not Australian citizens or permanent residents to come to Australia for the primary purpose of studying in Australia as defined by the <i>Migration Act 1958</i> .
Study period	A discrete period of study within a course, namely term, semester, trimester, short course of similar or lesser duration, or as otherwise defined by the registered provider as long as that period does not exceed six months. See also 'Compulsory study period'.
Tuition Fees	As defined by section 7 of the ESOS Act, means money a provider receives, directly or indirectly, from: <ul style="list-style-type: none"> • an overseas student or intending overseas student, or • another person who pays the money on behalf of an overseas student or intending overseas student, that are directly related to the provision a course that the provider is providing, or offering to provide, to the overseas student. This includes, or excludes, as the case may be, any classes of fees prescribed by the ESOS Regulations.

Unit	A discrete component of study within a course; the term includes 'subject' and 'module'.
Welfare-related support services	Services which address the mental, physical, social and spiritual well-being of overseas students. These services may include, through direct provision or referral, information/advice about: accommodation, counselling, crisis services, disabilities and equity issues, financial matters, legal issues, medical issues, mental health, peer mentoring, programmes promoting social interaction, religious and spiritual matters, and stress-management.

ACRONYMS AND ABBREVIATIONS

CoE	Confirmation of Enrolment
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
DET	Australian Government Department of Education and Training
DIBP	Australian Government Department of Immigration and Border Protection
ELICOS	English Language Intensive Courses for Overseas Students
ESOS Act	<i>Education Services for Overseas Students Act 2000</i>
ESOS Regulations	<i>Education Services for Overseas Students Regulations 2001</i>
PRISMS	Provider Registration and International Students Management System