



OVERSEAS VISA STUDENTS RELATED POLICIES

The following policies should be read as an adjunct to the *Overseas Visa Students Policy* in accordance with the *ESOS Act 2000* and *National Code 2007*

1. RATIONALE

The *Education Act for Overseas Students (ESOS) Act 2000* is the primary Australian Government legislation governing international student education in Australia.

The *National Code of Practice for Providers of Education and Training to Overseas Students 2007* (the National Code) provides a set of nationally consistent standards for those providing education services to overseas students. The Standards set out the specifications and procedures for providers to ensure they understand and comply with their obligations under the Code.

Somerville House (the School) is bound by the provisions of both pieces of Commonwealth legislation as well as state legislation related to the provision of education, including full fee paying overseas students and School accreditation. The School is required to have in place documented policies and procedures covering but not limited to the following:

- conditions for overseas students related to the granting of their student visas such as attendance and performance
- student health, welfare, and accommodation
- provision of specific information to students and their families prior to enrolment
- enrolment and grounds on which this may be deferred, suspended, or cancelled
- transfers between providers
- fees and refund policies
- approved courses
- language and course requirements; and
- processes to deal with complaints or critical incidents.

The purpose of these policies is to:

- ensure the School complies with all statutory and regulatory requirements related to the provision of education to Overseas Visa Students
- outline the procedures to be followed related to:
 - a) monitoring, recording and assessing course progress and attendance
 - b) deferment, suspension and cancellation of enrolment
 - c) assessing a student's qualifications, experience and English language ability for the course
 - d) student transfer between registered providers
 - e) complaints and appeals; and
 - f) fee refunds.

2. SCOPE

These policies apply to all Overseas Visa Students, their families/legal guardians and Somerville House (the School) staff.

3. POLICY STATEMENT

- 3.1 The School will support students academically and socially in keeping with its philosophy, the relevant National Code Standards and within the available resources and facilities at its disposal.
- 3.2 The School will comply with the relevant commonwealth and state legislation pertaining to the provision of education to Overseas Visa Students.
- 3.3 Information re these policies will be provided in the *Handbook for Overseas Students* and at Orientation sessions on arriving at the School.
- 3.4 The School will ensure all documented policies and procedures required under the ESOS Act and National Code are in place and communicated to students, their families and staff.

AUTHORISATION



Principal

28 February 2015

POLICY ON ENTRY REQUIREMENTS

1. POLICY STATEMENT

Somerville House (the School) will consider enrolment applications from students wishing to apply for a Student Visa, subject to compliance with minimum requirements and conditions set by the School, and with legislative requirements of the State of Queensland and the Commonwealth of Australia, including any requirements to undertake extra tuition to learn English to meet the English language proficiency standard needed to enter mainstream classes.

2. APPLICATION FOR ENROLMENT

2.1 Applications for enrolment must be made on the *Application for Enrolment Form*. This must be correctly completed, and must be accompanied by the following documents to support the application:

- a) true copies of Student Report Cards from the previous two (2) years of study, including a copy of the latest Student Report
- b) a Reference from the student's current or most recent school Principal is also required if student Report Cards do not record student behaviour or commitment to studies
- c) copy of the applicant's birth certificate
- d) photocopy or scanned copy of passport page with name, photo identification, passport number and expiry date
- e) copy of English Language Test Certificate from an AEAS agency
- f) copy of Health Care Cover for the duration of the time the student will be in Australia
- g) Enrolment Application Fee

2.2 Where the above documents are not in English, certified translations in English are required, with necessary costs to be met by the applicant.

2.3 An application for enrolment can only be processed when all of the above are in the hands of the Admissions Office.

2.4 Applications from overseas students are processed according to established policy and procedures, and are dealt with on their merits.

2.5 Assessment procedures include an evaluation of reports from previous schools and of English language proficiency. In cases where report cards are not available or are inconclusive for any reason, the school may require relevant testing of the applicant to assess the application.

2.6 A further requirement of the School, is that all students, including Australian residents, who are not "water safe" must participate in a "learn to swim class" before they enter the School.

2.7 Minimum academic and English language requirements as outlined below in 3 and 4.

3. ACADEMIC REQUIREMENTS

3.1 Students must provide evidence of satisfactory academic performance appropriate to entry to the Year level requested on the Application for Enrolment or offered as an alternative point of entry by the school in a Letter of Offer.

- a) For Junior School – Years 1-6 students:

- Evidence of application to school work; and
 - Age-appropriate achievement in literacy and numeracy areas of the curriculum
- b) For Middle and Senior Schools - Years 7 - 12 students:
- A pass level or “C” grade or better for the majority of core subjects.

4. ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS

4.1 The School requires evidence of sufficient proficiency in English to successfully meet the curriculum demands of the enrolled course. This is a requirement under the National Code of Practice for Providers of Education and Training to Overseas Students 2007, Section D Standard 2.

The School requires a copy of an English Language Certificate from an AEAS agency in the first instance.

Acceptable Test	Minimum Test Result	For Entry to Year
NLLIA ESL Bandscale	Up to Year 5 - Level 4 + Year 6 – Level 5	Junior School
NLLIA ESL Bandscale	Years 7-8 Level 5 Year 9 Level 6	Middle School
NLLIA ESL Bandscale	Years 10 Level 6+ Years 11/12 Level 7	Senior School

4.2 Students should note that if their language proficiency level is not to the required level, they may be required to participate in an ELICOS or other ESL course before beginning mainstream studies. The School will try to assist in finding placement with an ELICOS provider. Once the student has reached the required level if she still wishes to attend Somerville House and there is a place available, and all other entry conditions are met, then the School will enrol her.

5. RESIDENTIAL REQUIREMENTS

5.1 The School requires that all students must reside either in the boarding house or with parents or a family relative (over the age of 25 years) appointed by the parents as her legal guardian and approved by the School.

5.2 The parents or legal guardian must meet with the Head of School and have the accommodation arrangements approved before a Confirmation of Entry (CoE) is generated.

6. STATEMENT ON COURSE CREDIT

The School will assess all applications for entry into the School. Course credit may only be offered as outlined below:

6.1 For students transferring from interstate up to Year 10, the school does not offer course credit and entry into any course is subject to the assessment of the school.

6.2 For students transferring from interstate in Year 11 and the beginning of Year 12, the student may receive course credit for units completed, based on evidence provided of studies undertaken under the relevant state or territory curriculum assessment authority or nationally accredited framework. This assessment is open to the rules of the Queensland Studies Authority (QSA) and an application to this body needs to be made.

MONITORING COURSE PROGRESS AND ATTENDANCE POLICIES

Student visas are granted subjected to a raft of conditions, one of which, Condition 8202, relates to satisfactory academic performance and attendance. Students must maintain satisfactory performance, complete the course in the expected time and attend at least 80% of the scheduled contact hours.

1. COURSE PROGRESS

- a) The School will monitor, record and assess the course progress of each student for the course in which the student is currently enrolled.
- b) The course progress of all students will be assessed at the end of each term and each study period (semester) of enrolment.
- c) Students who have begun part way through a semester will be assessed after one full study period.
- d) To demonstrate satisfactory course progress, students will need to achieve competency to the School's required standards in any study period. These are:
 - in the Junior and Middle Schools, a student must achieve the minimum requirements in course coverage and at least five (5) Sound Achievements or "C" standards in the Key Learning Areas (KLAs); and
 - in the Senior School, a student must achieve a Sound Achievement in 5 out of her 6 subjects.

Additional indicators for consideration may include but not be limited to:

- demonstrated improvement in the use of the English Language
 - demonstrated academic improvement
 - active involvement in class
 - meeting of all assessment deadlines; and
 - utilisation of support services provided by the School.
- e) If a student does not achieve the competency as outlined in (d) above in a study period, the Principal will formally contact the parents and legal guardian, if she is not a boarder, to advise there will be a meeting with the student to develop an intervention strategy for academic improvement. This may include but not be limited to:
 - after hours tutorial support
 - subject tutorial support in class time
 - mentoring
 - additional ESL support
 - change of subject selection, or reducing course load (without affecting course duration)
 - counselling – time management
 - counselling – academic skills
 - counselling – personal; and/or
 - other intervention strategies as deemed necessary.

As the School is concerned with student progress in both the academic and pastoral contexts, consideration may be given to pastoral issues which may impact on the overall progress of the student. Pastoral staff involved with the student (e.g. Homeroom teachers/ Tutors, Boarding House Supervisors, Heads of Year, etc.) who have been monitoring her welfare, may also provide input and participate in the intervention strategy development meeting.

- f) A copy of the student's individual strategy and progress reports in achieving improvement will be forwarded to parents and legal guardian, if she is not a boarder.
- g) The student's individual strategy for academic improvement will be monitored over the following term by the Dean of Students and relevant academic and pastoral staff. Records of student response to the strategy will be kept and the relevant Head of School and Principal will be kept informed.
- h) If the student does not improve sufficiently academically and achieve satisfactory course progress by the end of the next study period, (end of Term 4), the Head of School and the Principal will decide, based on reports and recommendations from relevant staff, either to continue with the intervention strategy for one more term or will advise the student in writing of its intention to report the student for breach of visa condition 8202, and that she has 20 working days in which to access the School's internal complaints and appeals process. Following the outcome of the internal process, if the student wishes to complain or lodge an external appeal about a decision made or action taken by Somerville House, she may contact the Overseas Student Ombudsman at no cost. This must be done within 2 weeks. Please see Somerville House's *Complaints and Appeals Policy* for further details.
- i) The School will notify the National ESOS Authority via PRISMS of the student not achieving satisfactory course progress as soon as practicable where:
 - the student does not access the complaints and appeals process within 20 days, or
 - withdraws from the complaints and appeals process, or
 - the complaints and appeals process results in favour of the School.

2. COMPLETION WITHIN EXPECTED DURATION OF STUDY

- a) As noted in 1.a) above, the School will monitor, record and assess the course progress of each student for the course in which the student is currently enrolled.
- b) Part of the assessment of course progress at the end of each semester will include an assessment of whether the student's progress is such that they are expected to complete their course within the expected duration of the course.
- c) The School will only extend the duration of the student's study where it is clear the student will not be able to complete their course by the expected date because of:
 - compassionate or compelling circumstances (see Definitions provided in 4 (a) below)
 - student participation in an intervention strategy as outlined in 1.e.; or
 - an approved deferment or suspension of study has been granted in accordance with the School's *Deferment, Suspension and Cancellation Policy*.
- d) Where the school decides to extend the duration of the student's study, the School will report this change via PRISMS within 14 days and/or issue a new COE if required.

3. MONITORING COURSE ATTENDANCE

- a) Satisfactory course attendance is attendance of 80% of scheduled course contact hours. NB: The National Code St 11 specifies a minimum attendance requirement of 80%, or under

certain conditions, of 70% as outlined in St 11.9. School policy can require a higher minimum attendance rate.

- b) Student attendance is compulsory for all scheduled sessions on their timetable, every school day of each semester and is:
- checked and recorded electronically daily
 - checked in each session by the teacher during that period
 - assessed regularly over a term; and
 - recorded and calculated over each study period.
- c) Late arrival and early leaving times will be recorded and will be included in attendance calculations.
- d) All absences from school will be included in absentee calculations and should be accompanied by a medical certificate, an explanatory communication from the student's parents/legal guardian, if the student is not a boarder, and/or evidence that leave has been approved by the Principal or his/her nominee. The Head of Boarding notifies the School if a boarder is to be absent and dedicated absentee phone lines are available for non-boarding students.
- e) Medical certificates are required if assessment is missed or if an absence exceeds three (3) days.
- f) Student attendance will be monitored by the Attendance Assistant every four (4) weeks over a study period to assess student attendance using the following method:
- i. Calculating the number of hours the student would have to be absent to fall below the attendance threshold for a study period. For example, a 20 week study period with 5 contact hours a day would equal 500 contact hours. 20% of this is 100 hours.
 - i. Any period of exclusion from class will not be included in student attendance calculations. (Refer to the School's *Deferment, Suspension and Cancellation Policy* – Section 12 above)

The Attendance Assistant will notify the Dean of Students if a student's attendance has dropped below 90% - that is, she has missed more than 2 days in that period.

- g) If a student's attendance drops below 90% of any study period, she will be counselled and offered any necessary support deemed necessary to assist her comply. An *Attendance Warning Letter* may be sent to her and a copy forwarded to her parents /legal guardian.
- h) The School may issue one or two warning letters, depending on the circumstances surrounding the absences. If the student continues to breach attendance requirements or if at the end of the next study period, the calculation at 3.f) indicates that the student has passed the attendance threshold for the study period, the School will advise the student of its intention to report her for breach of visa condition 8202, and that she has 20 working days in which to access the school's internal complaints and appeals process except in the circumstances outlined in 3.l below. Parents/legal guardian will be notified.
- i) The school will notify the National ESOS Authority via PRISMS of the student not achieving satisfactory course attendance as soon as practicable where:
- i. the student does not access the complaints and appeals process within 20 days
 - ii. withdraws from the complaints and appeals process
 - iii. the complaints and appeals process results in a decision for the School.
- j) Students will **not** be reported for failing to meet the 80% threshold where:

- i. the student produces documentary evidence clearly demonstrating compassionate or compelling circumstances e.g., medical illness supported by a medical certificate or as per Definitions below; and
 - ii. her attendance has not fallen below 70%.
- k) The method for calculating 70% attendance is the same as that outlined in 3.f) with the following change; number of study days x contact hours x 30%.
- l) If a student is assessed as having nearly reached the threshold for 70% attendance, the Dean of Students in consultation with the Head of School will assess whether a suspension of studies is in the interests of the student as per the School's *Deferment, Suspension and Cancellation Policy*.
- m) If the student does not obtain a suspension of studies under the School's *Deferment, Suspension and Cancellation Policy*, and falls below the 70% threshold for attendance, the process for reporting the student for unsatisfactory attendance (breach of visa condition 8202) will occur as outlined in 3.h) – 3.i), above.

4. DEFINITIONS

- a) Compassionate or compelling circumstances - circumstances beyond the control of the student that are having an impact on the student's progress through a course. These could include but not be limited to:
 - i. serious illness, where a medical certificate states that the student was unable to attend classes
 - ii. bereavement of close family members such as parents or grandparents (with evidence of death certificate if possible)
 - iii. major political upheaval or natural disaster in the home country requiring their emergency travel that has impacted on their studies
 - iv. a traumatic experience which has impacted on the student (these cases should be where possible supported by police or psychologists' reports)
 - v. where the school was unable to offer a pre-requisite unit
 - vi. inability to begin studying on the course commencement date due to delay in receiving a student visa; or
 - vii. any other circumstances where evidence is provided to show that these were having an impact on the student's progress through a course.
- b) Expected duration – the length of time it takes to complete the course studying full-time. This is the same as the registered course duration on CRICOS.
- c) School day – any day for which the school has scheduled course contact hours.
- d) Study period – a discrete period of study within a course which cannot exceed 24 weeks. Somerville House defines a "study period" for the purposes of monitoring course attendance and progress as a semester.

5. ATTACHMENTS

Refer to the CRICOS Manual – Staff Handbook, Section 19 *Monitoring Course Duration, Course Progress and Attendance and Monitoring of Court Progress to Complete Course within Expected Duration* for pro-forma administrative letters applicable to this policy.

DEFERMENT, SUSPENSION AND CANCELLATION POLICY

There are limited circumstances in which an overseas visa student can defer and/or a student or provider can suspend or cancel an enrolment. There are also specific procedures to be followed in accordance with Standard 13 of the National Code.

1. DEFERMENT OF COMMENCEMENT OF STUDY REQUESTED BY STUDENT

- a) Somerville House (the School) will only grant a deferment of commencement of studies for compassionate and compelling circumstances. These include but are not limited to:
 - i. illness, where a medical certificate states that the student was unable to attend classes
 - ii. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
 - iii. major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on studies
 - iv. a traumatic experience which has impacted on the student (these cases should be where possible supported by police or psychologists' reports).
- b) The student should complete an *Application for Deferment of Commencement or Suspension of Studies form*, available from the Dean of Students.
- c) The final decision for assessing and granting a deferment of commencement of studies lies with the Principal.
- d) Deferment will be recorded on PRISMS within 14 days of being granted.

2. SUSPENSION OF STUDY REQUESTED BY STUDENT

- a) Once the student has commenced the course, the School will only grant a suspension of study for compassionate and compelling circumstances, such as those outlined in 1 (a) above.
- b) Suspensions will be recorded on PRISMS within 14 days of being granted.
- c) The period of suspension will not be included in attendance calculations.
- d) The final decision for assessing and granting a suspension of studies lies with the Principal.

3. STUDENT - INITIATED CANCELLATION OF ENROLMENT

All notification of withdrawal from a course, or applications for refunds, must be made in writing and submitted to the Principal. Please see the *School's Refund Policy – Overseas Visa Students* for information regarding refunds.

4. ASSESSING REQUESTS FOR DEFERMENT OR SUSPENSION OF STUDIES

- a) Applications will be assessed on merit by a panel of Head of School, Dean of Students and other relevant senior staff members however the final decision lies with the Principal.
- b) All applications for deferment or suspension will be considered within 10 working days.

5. SCHOOL- INITIATED EXCLUSION FROM CLASS

- a) The School may exclude a student from class studies for a set period of time on the grounds of misbehaviour or conduct which breaches the School's *Code of Conduct* or Rules and regulations. This would occur for serious breaches or for repeated offences where the student would have received prior warning.
- b) Excluded students must abide by the conditions of their exclusion from studies which will be determined by the Head of School, who will notify the student and her parents/legal guardian in writing of the situation and inform them of what will happen during the time of exclusion from class. They must also abide by the conditions pertaining to their Visa during the exclusion period.

As it is probable that the exclusion from class is the consequence for a serious breach of the *Code of Conduct*, the School may also include in the written advice, a final warning from the Principal with regard to the student's future enrolment at the School and that this may have an effect on the student's Visa.

- c) Where the student is provided with homework or other studies for the period of the exclusion, the student must continue to meet the academic requirements of the course.
- d) Exclusions from class will not be recorded on PRISMS.
- e) Periods of 'exclusion from class' of up to five (5) days will not be included in attendance calculations as per the School's *Monitoring Course Progress and Attendance Policy*, however for longer periods it is at the School's discretion.
- f) The Dean of Students will be responsible for:
 - i. organising supervision and collection of work for the student during the exclusion period
 - ii. notifying relevant staff
 - iii. keeping the Head of School and Principal informed
 - iv. monitoring behaviour and course progress of the student; and
 - v. ensuring accurate and appropriate records of the incident are kept in the student's file.

6. SCHOOL-INITIATED SUSPENSION OF STUDIES

- a) The School may suspend a student from studies following a serious breach of behaviour as in 5 above or initiate it in response to health or other issues.

Where the suspension is related to misconduct, which might lead to the cancellation of a student's enrolment, the suspension may be to allow appropriate time for an investigation into an incident which might lead to the cancellation of the student's enrolment or as a final opportunity for the student to improve her behaviour.

- b) Suspended students must abide by the conditions of their suspension from studies which will depend on whether they are boarders or residing with parents/legal guardians and which will be determined by the Principal. They must also continue to abide by the conditions relating to their Visa.
- c) If special circumstances exist, as outlined in 9 (e) below, the student must abide by any further conditions determined by the Principal.
- d) Students who have been suspended for more than 28 days may need to contact the Department of Immigration on 131 881.

- e) Suspensions will be recorded on PRISMS at the conclusion of any complaints and appeals process.
- f) The period of suspension will not be included in attendance calculations.

7. SCHOOL-INITIATED CANCELLATION OF ENROLMENT

- a) The School may cancel the enrolment of a student under the following conditions:
 - i. failure to pay course fees
 - ii. failure to maintain approved welfare and accommodation arrangements (visa condition 8532)
 - iii. failure to notify the School, either at time of enrolment or at time of diagnosis, of a medical or psychological condition which requires a high degree of specialised support or care; or
 - iv. any serious breach of the School's Rules, and regulations and/or *Code of Conduct* which under normal circumstances would result in the termination of enrolment of non-visa students. This would include but may not be limited to: incidents of bullying and harassment of others, substance abuse, repeated breaches of rules, criminal activity.
- b) The School is required to report failure to maintain satisfactory course progress and failure to maintain satisfactory attendance to the Department of Immigration, which may impact on a student's visa.
- c) School-initiated cancellation of enrolment is subject to the School's *Complaints and Appeals Policy*. Please see 8), below.

8. COMPLAINTS AND APPEALS

- a) Student requests for deferment, suspension and cancellation of enrolment are not subject to the School's *Complaints and Appeals Policy*.
- b) Exclusion from class and School-initiated suspension, where the suspension is to be recorded in PRISMS, and cancellation are subject to the School's *Complaints and Appeals Policy*.
- c) For the duration of the internal appeals process, the School will maintain the student's enrolment and the student will attend classes as normal. The Principal will determine if participation in studies will be in class or under a supervised arrangement outside of classes.
- d) If students access Somerville House's complaints and appeals process regarding a school - initiated suspension or cancellation of enrolment under Standard 13, the change in enrolment status will not be reported in PRISMS until the internal complaints and appeals process is finalised, unless extenuating circumstances relating to the welfare of the student apply. NB: Students may still access the external complaints and appeals process, but the School need not await the outcome of this process before changing the student's enrolment status in PRISMS. However, if the School has issued a CAAW for a student, welfare provisions under NC ST 5.3 are applicable.
- e) Extenuating circumstances include but are not limited to:
 - i. the student refuses to maintain approved welfare and accommodation arrangements
 - ii. the student is missing
 - iii. the student has medical concerns or severe depression or psychological issues which lead the School to fear for the student's wellbeing

- iv. the student has engaged or threatened to engage in behaviour that is reasonably believed to endanger the student or others
 - v. the student is at risk of committing a criminal offence, or
 - vi. she is the subject of investigation relating to criminal matters.
- f) The use of extenuating circumstances to suspend or cancel a student's enrolment prior to the completion of any complaints and appeals process will be determined by the Principal on the basis of appropriate evidence.
- g) The final decision for evaluating extenuating circumstances lies with the Principal.

9. STUDENT TO SEEK INFORMATION FROM DEPARTMENT OF IMMIGRATION

Deferment, suspension and cancellation of enrolment can have an effect on a student's visa as a result of changes to enrolment status. Students should visit the Department of Immigration Website at <http://www.immi.gov.au/students/> for further information about their visa conditions and obligations within 28 days of any cancellation of enrolment.

10. DEFINITIONS

Day - means any day including weekends and public holidays in or out of term time.

11. ATTACHMENTS

Refer to the CRICOS Manual – Staff Handbook, Section 12 *Policy and Procedures for Deferring, Suspending and Cancelling a Student's Enrolment* for pro-forma administrative letters applicable to this policy.

TRANSFER BETWEEN REGISTERED PROVIDERS POLICY

Standard 7 of the *National Code 2007* restricts Overseas Visa students from transferring from their principal course of study for a period of six months. Exceptions to this restriction are:

- the student's course or school has become unregistered
- the school has a government sanction imposed on its registration
- a government sponsor (if applicable) considers a transfer to be in the student's best interests; and/or
- the student is granted a *Letter of Release*.

This policy outlines:

- the conditions under which Somerville House (the School) will:
 - provide a letter of release to an Overseas Visa student seeking transfer to another registered provider; or
 - accept an Overseas Visa student from another provider; and
- the process to be followed in assessing requests for transfer.

1. STUDENTS WISHING TO TRANSFER FROM SOMERVILLE HOUSE

1.1 Students may apply to the Principal for a letter of release to enable them to transfer to another education provider. There is no cost attached to applying. However if the student has not completed the first (6) months of her course or she is under 18 years of age, the following conditions apply.

1.2 The School will only provide a letter of release to students in the first six months of their principal course in the following circumstances:

- 1.2.1 The student has changed accommodation arrangements and is no longer within a reasonable travelling time of the school. (i.e. her parents/legal guardian have moved residence)
- 1.2.2 It has been agreed by the School the student would be better placed in a course that is not available at Somerville House.
- 1.2.3 Any other reason stated in the School's policies.

1.3 Students under 18 years of age MUST also have:

- 1.3.1 Written permission from the student's parent(s)/legal guardian to apply for the transfer
- 1.3.2 Written confirmation that the new provider will accept responsibility for approving the student's accommodation, support, and general welfare arrangements
- 1.3.3 Evidence that the student is always in DIAC approved welfare and accommodation arrangements.

1.4 The School will **NOT** provide a letter of release to a student in the first six months of her principal course, if, in the opinion of the School:

- 1.4.1 The student's progress is likely to be academically disadvantaged

- 1.4.2 The student's application to transfer is a consequence of the adverse influence of another party
- 1.4.3 the student has not had sufficient time to settle into her new environment in order to make an informed decision about transfer
- 1.4.4 the student has not accessed School support services which may assist her in making adjustments to a new environment, including academic and personal counselling services; and/or
- 1.4.5 there are outstanding fees for the course.
- 1.5 In order to apply for a letter of release, students must have a letter from the receiving provider that a valid offer of enrolment has been made.
- 1.6 All applications for transfer will be considered within 10 working days and the applicant notified of the decision.
 - 1.6.1 Students whose request for transfer has been refused may appeal the decision in accordance with the School's *Complaints and Appeals policy*. This policy is provided in *the Overseas Visa Students' Information Booklet*.
- 1.7 Applications to transfer to another registered provider may have visa implications. The student will be advised to contact the DIAC office **before submitting a request to transfer** to discuss any possible visa implications. The Address of the nearest Department of Immigration Office can be obtained through the Immigration website at:
<http://www.immi.gov.au/contacts/australia/index.htm>.
- 1.8 Other contact details for the Department of Immigration are:
Phone: 131 881
Email: student.centre@immi.gov.au
- 1.9 It is a requirement under Queensland legislation that letters of release also address:
 - the student's commitment to studies
 - the student's attendance record; and
 - payment of fees for the course.

2. STUDENTS WISHING TO TRANSFER INTO SOMERVILLE HOUSE

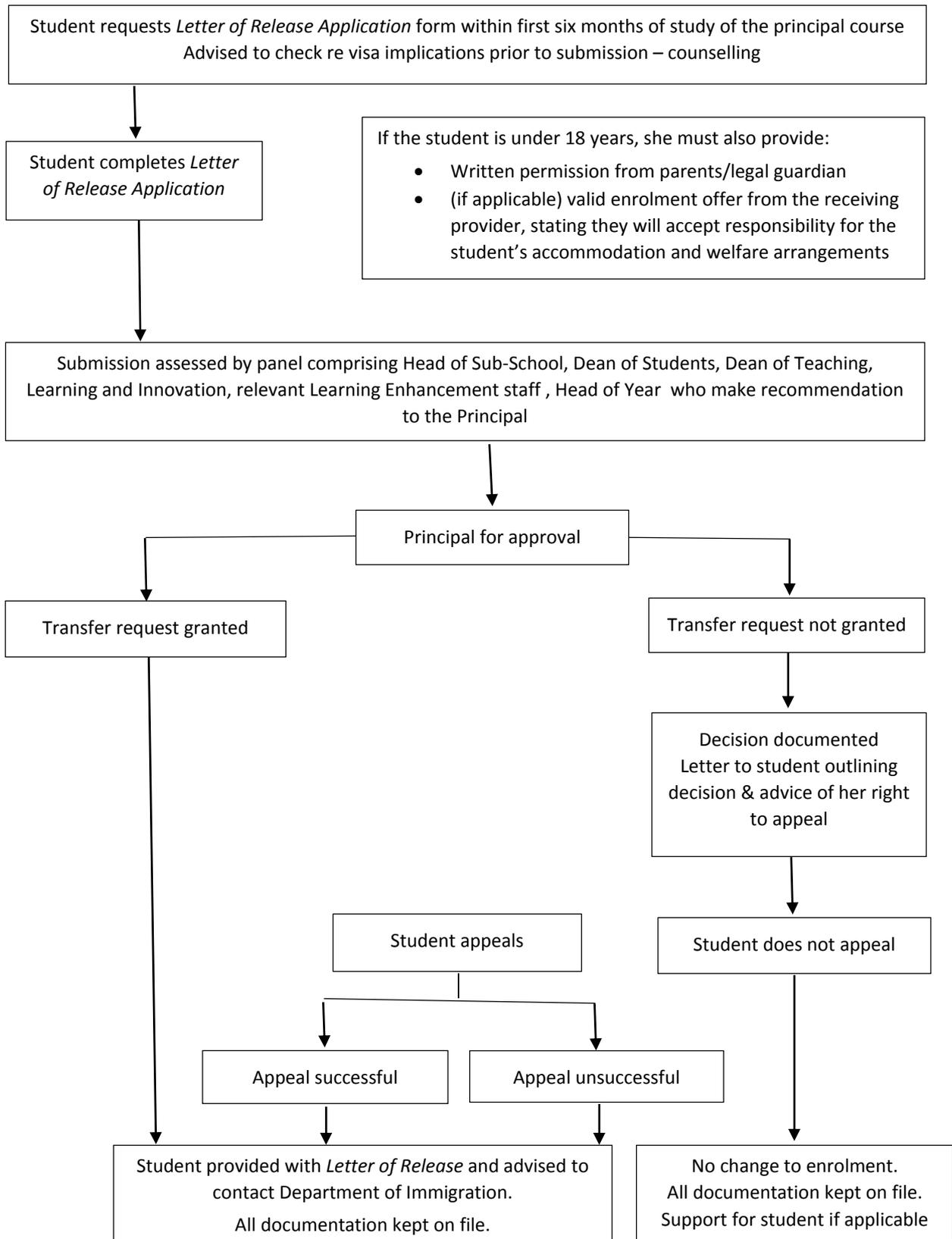
- 2.1 The School will only enrol an Overseas Visa Student who has already completed a course in Australia with another registered provider if the School is of the opinion that:
 - 1.9.1 the student meets all the criteria set by the School for the enrolment of Overseas Visa Students
 - 1.9.2 the student has demonstrated a commitment to studies in the course completed
 - 1.9.3 the student has a good record for attendance for that course
 - 1.9.4 there are no fees outstanding for the course.
- 1.10 Where an Overseas Visa Student has not completed the course with the provider, a Letter of Release is required which addresses 2.1.2, 2.1.3 and 2.1.4 above.
- 1.11 Transfers within six (6) months into the School are discouraged, but the School will assess requests on a case by case basis and will accept students, if there is a place available, and the School and the current provider agree that transfer would be in the student's best interests.

3. ATTACHMENTS

Process for Assessing Overseas Visa Students' Requests for Transfer – Flowchart

Refer to the CRICOS Manual – Staff Handbook, Section 13 *Transfer Policy* for pro-forma administrative letters applicable to this policy.

PROCESS FOR ASSESSING OVERSEAS VISA STUDENTS' REQUESTS FOR TRANSFER



COMPLAINTS & APPEALS POLICY – OVERSEAS STUDENTS

A copy of this policy will be provided to the student and the parent(s)/legal guardian at a reasonable time prior to a written agreement being signed and again within seven (7) days of the commencement of student attendance of the enrolled course.

1. Purpose

- a) The purpose of Somerville House's *Complaints and Appeals Policy* is to provide a student or parent(s)/legal guardian with the opportunity to access procedures to facilitate the resolution of a dispute or complaint in accordance with Standard 8 of the National Code of Practice for Providers of Education and Training to Overseas Students 2007.
- b) The internal complaints and appeals processes are conciliatory and non-legal.
- c) The School will finalise any formal procedure as soon as is practicable.

2. Complaints against other students

Grievances brought by a student against another student will be dealt with under the school's *Behaviour Management and Discipline Policy / Code of Conduct* and/or *Complaints Resolution Policy* as appropriate.

3. Informal Complaints Resolution

- a) In the first instance, the School requests there is an attempt to resolve the issue through informal discussion and/or mediation.
- b) Students should contact the teacher or person with whom there is a concern in the first instance, to attempt an informal resolution of the issue. Should they find it difficult to raise a concern with the person, they should contact their Homeroom Teacher/Tutor, Head of Year or Dean of Students.
- c) If the matter cannot be resolved this way, they should contact the Dean of Students who will advise the Head of School and the School's internal formal complaints and appeals handling procedure will be followed (at either Stage 2, 3 or 4 as appropriate to the situation).

4. Formal Complaints Handling Procedure

- a) The process of this grievance procedure is confidential and any complaints or appeals are a matter between the parties concerned and those directly involved in the complaints handling process.
- b) The student must notify the school in writing of the nature and details of the complaint or appeal.
- c) Written complaints or appeals are to be lodged with the Principal or her nominee.
- d) Where the internal complaints and appeals process is being accessed because the student has received notice by the school that the school intends to report her for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student has 20 working days from the date of receipt of notification in which to lodge a written appeal.
- e) Complaints and appeals processes are available to students at no cost.

- f) Each complainant has the opportunity to present her case to the Principal or her nominee.
- g) Students may be accompanied and assisted by a support person at all relevant meetings.
- h) The formal grievance process will commence within 10 working days of the lodgement of the complaint or appeal with the Principal or her nominee.
- i) Once the Principal or her nominee has come to a decision regarding the complaint or appeal, the student will be informed in writing of the outcome and the reasons for the outcome, a copy will be forwarded to her parents/legal guardian and a copy will be retained on the student's file.
- j) If the complaints procedure finds in favour of the student, the School will immediately implement the decision and any corrective and preventative action required, and advise the student of the outcome.
- k) If the process finds in favour of the School, the student will be made aware of other steps available to her and her rights under state and commonwealth legislation.
- l) The School appreciates the need for prompt resolution of any complaint or appeal, having regard to the student's stay in Australia on a Student Visa and will undertake to finalise all grievance procedures as quickly as is practicable, taking into account that investigations of incidents may take time.
- m) For the duration of the appeals process, the student's enrolment and attendance must be maintained.

5. External Appeals Processes

- a) If the student is dissatisfied with the conduct or result of the complaints procedure, she may seek redress through an external body at no cost. The School will allow two (2) weeks for accessing the external appeals process, where the appeal is in regard to Standards 10 and 11 of the National Code of Practice for Providers of Education and Training to Overseas Students 2007.
- b) If the student wishes to complain or to lodge an external appeal about a decision made or action taken by the School, she may contact the Overseas Students Ombudsman at no cost. The Overseas Students Ombudsman offers a free and independent service for overseas students. Please refer to the website at: www.oso.gov.au or phone 1300 362 072 for more information.

6. Other Legal Redress

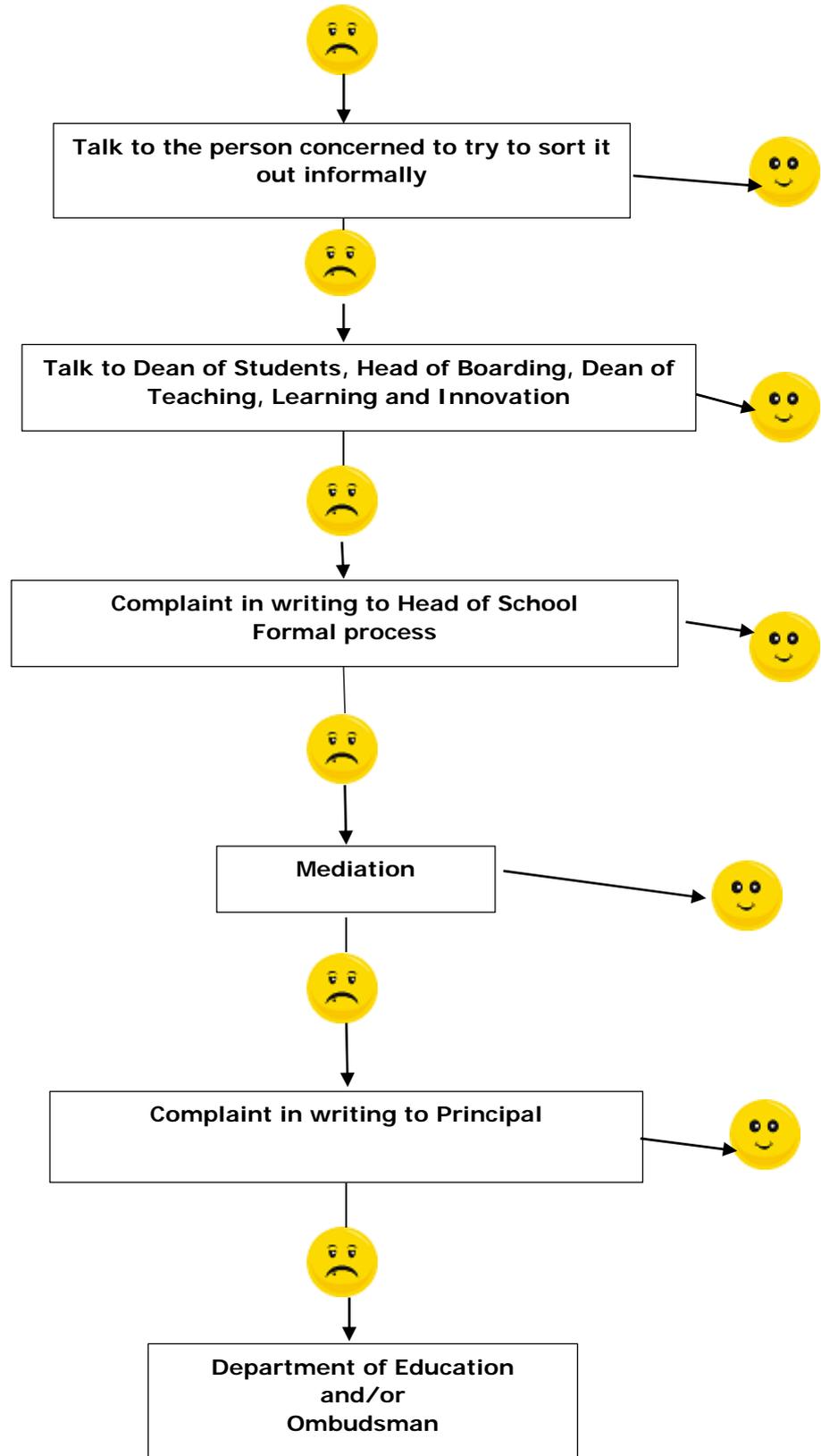
- a) Nothing in the School's *Complaints Resolution Policy* nor in the *Agreement with the School and Written Agreement – Overseas Visa Students*, between the School and the student's family negates the right of an overseas student to pursue other legal remedies.
- b) Overseas Visa Students have the right to take action under Australia's consumer protection laws in the case of financial disputes.

7. Definitions

- a) **Working Day** – any day other than a Saturday, Sunday or public holiday during term time.
- b) **Student** – a student enrolled at Somerville House or the parent(s)/legal guardian of a student where that student is under 18 years of age
- c) **Support person** – for example, a friend/teacher/relative not involved in the grievance. At this stage of the resolution process, lawyers are not acceptable support persons.

What do I do as an Overseas Visa Student if I Wish to Make a Complaint or Appeal?

Flowchart



Note: This is a visual summary only – refer to the *Complaints and Appeals Policy*