

PO10 Cancellation and Refund Policy and Procedure

Responsible Officer	Head of Compliance and Resolutions
Functional Owner	Student Resolution Manager
QAS Owner	Manager of Compliance

1. Background

PO10 Cancellation and Refund Policy was developed in consultation with OC's lawyers to ensure OC's approach complies with Australian Consumer Law. This Policy and Procedure replaces PR4.6 Special Consideration Procedure which became obsolete in December 2015.

2. Scope

This policy applies to any informal or formal applications that are made for cancellation and refund or an application for Special Consideration.

3. Compliance

This policy and supporting documentation adheres to compliance with the following Standards for RTOs 2015:

Standard Four: Accurate and accessible information about an RTO, its services and performance is available to inform prospective and current learners and clients. Clauses 4.1

Standard Five: Each learner is properly informed and protected. Clauses 5.2, 5.3

4. Definitions

Open Colleges assists its students during times of difficulty and has formal policies, specific guidelines and support services to do this. Open Colleges recognises that there are different categories of difficulty and have different means to help our students overcome a wide variety of personal, financial or medical difficulties.

We acknowledge that our students can experience a permanent change in their circumstances and may face a prolonged period of difficulty, can experience situations where they have simply missed a payment and need temporary relief, or can be faced with a continued and serious situation that materially affect their ability to complete their course or meet their existing financial obligations in the future.

Where a student is disadvantaged as a result of a material course change that OC implements as part of continuous improvement or RTO regulatory requirements, which cannot be addressed under the terms of the Student Agreement, it will be considered under the Special Consideration Procedure.

5. Policy

5.1 Overview of the cancellation and refund process

If a student wishes to terminate their studies before the completion of the course, the student must notify OC in writing (**Cancellation Request**). Students may choose to complete the *FR 4.5 Course Cancellation Request form* or simply email their request to the Student Support Team at studentsupport@opencolleges.edu.au

A refund of the course fee will be issued where:

- the Cancellation Request is received within the Refund Period (a **Standard Application**) (in the case of a Standard Application, less an administrative

fee as outlined in the *DC1.3 Schedule of Administrative Fees*)

- the Cancellation Request identifies and OC agrees that it has failed to deliver the course to the required standards, for the required purpose or in the required time frame (a **Non-Standard Application**)
- the Cancellation Request identifies and OC agrees that the student received misinformation during the enrolment process (a **Non-Standard Application**)
- the Cancellation Request identifies some other deficiency in the enrolment process (a **Non-Standard Application**)
- the Special Consideration application is received and Open Colleges considers that there are grounds for granting a refund or other remedy under Special Consideration to the student. If unsure about whether a complaint falls within one of these categories, escalate the case to the Complaints Resolution Manager.

5.1.1 Cancellation and Refund Period

The Refund Period is defined as **seven (7) calendar days** from the day that the student's enrolment conditions have been met. The enrolment conditions have been met when all of the following have occurred:

- a student accepts the terms and conditions of their Student Agreement
- OC has received a student's deposit or full payment, if paying in full
- OC sends a student their login details

The Refund Period commences from the last date that all 3 things have occurred (generally when the login is provided).

A Cancellation Request received within the Refund Period will always be issued less the applicable administrative fee.

Student Support Officers (SSO) should be aware that there may still be grounds for refunding a student the full amount with no administrative fee such as where the Cancellation Request falls into the categories identified in sections 5.1.2, 5.1.3 and 5.1.4. (In these circumstances, the Cancellation Request should be escalated to the Head of Student Experience - Delivery).

5.1.2 Cancellation where there is a failure in delivery of a course

Under the Australian Consumer Law, the courses offered by OC come with guarantees that they will be:

- provided with acceptable care and skill or technical knowledge and taking all necessary steps to avoid loss and damage
- fit for the purpose or give the results that OC and the student agreed to
- delivered within a reasonable time frame when there is no agreed end date

OC is legally obliged to provide a student with a **full refund** if requested where there is a 'major failure' of one or more of these guarantees. A major failure occurs where the service:

- has a problem that would have stopped the consumer from buying it if they had

known about it

- is substantially unfit for its purpose and cannot easily be fixed within a reasonable time;
- does not meet the specific purpose that the student asked for and cannot easily be fixed within in a reasonable time.

If the failure that has occurred is not a major failure but is still a failure on the part of OC, OC is required to rectify the failure. This might involve, but is not limited to, updating course materials, allowing a student to resubmit an assignment or extending the maximum duration of the course.

Where a failure has occurred, in some circumstances OC may be liable for compensation for loss that a student has experienced as a result of the failure by OC to meet the guarantee. OC may be liable where the problem could be reasonably foreseen. If a student seeks consequential loss, the application should be immediately escalated to the General Manager Education.

5.1.3 Misinformation given during the enrolment period

Under the Australian Consumer Law businesses cannot make statements that are incorrect or are likely to create a false impression.

If a Cancellation Request is received that states that the student was provided with misinformation during the enrolment process and after listening to the enrolment call the SSO agrees that misinformation was provided, if requested, the student must be provided with a full refund. If an enrolment call cannot be located to verify the student's claim a full refund should be provided. Examples of providing misinformation include:

- informing the student that they can cancel the course at any time without incurring any fees
- informing the student that a particular course will give them a particular qualification when it will not
- informing the student that they will be able to undertake the course even though they have limited English proficiency when clearly they could not.

5.1.4 Deficiency in the enrolment process

If a Cancellation Request is received that states or suggests that at the time of enrolment the student did not meet the course entry requirements and OC agrees that the Enrolment Consultant or Admissions Officer should not have enrolled the student, the student must be provided with a full refund.

Examples of non-compliance include, but are not limited to:

- if the student is under 18 years and, not ensuring that the student had guardian permission to undertake the course
- if the student was not informed of the pre-requisite requirements of a particular course
- if the student does not meet and was not aware of the formal pre-requisites required of the course in which they enrolled.

5.2 Procedures for Standard and Non-Standard Applications

5.2.1 Lodging and Receipt of Cancellation Request

On receiving a Cancellation Request, the SSO will:

- log the application as a Case in Firefly
- determine whether the application is a Standard Application for refund within the Refund Period, and if so, inform the student that they will be refunded less the administration fee
- if the application is an application is a Non-Standard Application, provide the student with their Case Number and confirmation receipt of the application within 5 business days and refer the application and any supporting documentation to the Escalations Officer.

5.2.2 Review of Non-Standard Applications

On lodging of a Non-Standard Application, the Escalations Officer will:

- investigate the non-standard application
- obtain any additional information, if required, regarding the application
- make a recommendation for an outcome to the Head of Student Experience - Delivery

The Head of Student Experience - Delivery will:

- consider the application and determine whether a refund should be given and whether this should be a full refund
- inform the student of the final outcome in writing including:
 - for approved applications, any proposed solutions
 - for rejected applications, the reasons for the decision.

5.2.3 Timeframe for processing a non-standard cancellation and refund application

OC will endeavor to provide an outcome for the application for non-standard cancellation and refund within 20 business days from receipt of all necessary supporting documentation in relation to the application

If the outcome includes a refund, OC will process the refund within 14 business days of communicating the outcome to the student

5.2.4 Processing refunds back to an account or card

Open Colleges adheres to all merchant banking regulations. As such, a refund will be issued only to the original card or account used to make payments. If the original card has been cancelled, expired, lost or stolen, Open Colleges will require proof that the account is no longer active in order to process the refund into a different account. The new account however must be under the same card holder name and bank. Refunds to a different account holder name will not be issued.

If more than one account or card has been used to make payments, a refund proportionate to the amount paid by each account or card will be issued back

5.3 Policy and Procedures for Special Consideration Applications

Students applying for Special Consideration must submit a request for Special Consideration by completing the Special Consideration Form (FR4.16) and sending to Student Support by email studentsupport@opencolleges.edu.au with all relevant documentation.

The information and supporting documentation provided should demonstrate that the circumstances are continuing and serious which will materially affect the student's ability to continue with the course.

It recommended that students, who wish to apply for Special Consideration, should first contact Student Support to discuss the matter with a SSO.

5.3.1 Guideline on supporting documentation required for a Special Consideration Application

The type of information and documentation required depends on a number of factors, including the period of time hardship assistance is required and the type of arrangement that may be offered.

Typically, the information and documentations that are required includes, but are not limited to:

Reason	Evidence required
Medical Condition	<ul style="list-style-type: none"> • Medical Certificate(s) • Insurance Claim(s) • Immediate Family medical (Carer/Expenses)
Financial Hardship	<ul style="list-style-type: none"> • 2 x recent Payslips; or • Most recent bank statement(s) • Letter from employer (Maternity/Paternity Leave) • Centrelink Statements • Overdue Bills
Personal Difficulties	<ul style="list-style-type: none"> • Separation / Divorce (Legal & Financial) • Police Report/Court Documents • AVO • Natural Disaster (provide proof & details)

Students are advised to ensure that all supporting documentation being provided clearly displays the following information:

- Student's first and last name
- Date of supporting evidence provided

5.3.2 Possible outcomes from granting Special Consideration

If a Special Consideration application is received and OC considers that there are grounds for granting Special Consideration to the student, the student may be provided with either:

- a full refund
- a pro rata refund of the Course Fees (after taking into account the portion of the course that has been completed and the costs associated with the provision of learning materials)
- an extension of the Maximum Duration of the course
- additional support services
- a release from payment of future instalments
- a reduced payment arrangement for a period of time
- a deferred payment arrangement for a period of time

5.3.3 Reasons for not granting Special Consideration

Special Consideration will not be given if a student seeks Special Consideration on the sole basis of:

- changing jobs
- changing work hours
- moving address (including interstate or international moves)
- course changes as a result of a regulatory change governing OC
- finding the course more difficult, time consuming or stressful than the student had expected
- the student resigning or terminating their employment.

For clarification, a student is still eligible to apply for Special Consideration such as on financial hardship or on medical grounds even where one of these factors also applies.

5.3.4 Timeline for Processing Special Consideration Applications

OC will endeavor to provide an outcome for the application for Special Consideration within 20 business days from receipt of all necessary supporting documentation in relation to the application.

5.3.5 Collection Activities related to a Special Consideration Application

During a student's enrolment with Open Colleges, they could fall into arrears for a number of reasons, at which point Open Colleges will contact the student via phone, sms and by sending out default notices. Open Colleges will work with the student to remedy this situation, however if there is no resolution, Open Colleges may refer the student's account to a 3rd party Debt Collection Agency.

It is a student's obligation to inform Open Colleges of any change in circumstances as soon as they are aware of (see clause 2 above) prior to ceasing their ongoing payment obligations and providing a formal application for hardship assistance.

During the assessment of a Special Consideration application, OC will place all payment schedules on hold and temporarily cease collection activity and sending of default notices. Open Colleges will also not refer the student's account to a 3rd party Debt Collection Agent while we are actively considering the customer's circumstances or an arrangement is in place.

However, if a student is unable to comply with the hardship arrangement / Special Consideration outcome or the cancellation request is declined, OC may exercise its right to issue a default notice and reactivate collections processes. If this happens, the student will receive written notification.

5.4 Procedure for Special Consideration

5.4.1 Receipt of Special Consideration Applications

On receiving an application and supporting documentation for Special Consideration, the Student Support Officer (SSO) will:

- log the Special Consideration as a Case in Firefly
- attach supporting documentation within S3
- advise the student of the turnaround SLA of 20 business days

5.4.2 Review of Special Consideration Applications

On lodging of the application for Special Consideration, the Special Consideration Officer (SCO) will:

- place the current payment schedule and associated collection activity on hold
- confirm receipt of applications, advice case number, SCO contact details, as well as explaining timeframe and next steps in the process to the student (via phone or email)
- investigate the Special Consideration case
- obtain any additional information, if required, regarding the application
- make a decision and communicate the final outcome of the Special Consideration application to the student in writing

6. Quality and Continuous Improvement

This Policy and Procedure is subject to systematic review, evaluation and improvement, including annual review and ongoing feedback from stakeholders

7. Related Forms and Documents

- FR 4.5 Course Cancellation Request form
- FR4.16 Special Consideration Form
- DC1.3 Schedule of Administrative Fees
- [Standards for RTOs 2015](#)

- [Competition and Consumer Act 2010 \(Cth\)](#)
- [Commonwealth of Australia Privacy Act 1988](#)

For internal use only: [QMS1.8 Location of QMS related documents.](#)

How can we improve this document?
 If you can identify opportunities for us to improve this document, please email improvements@opencolleges.edu.au. This request will automatically be logged on our Continuous Improvement Register. Please include the document reference number in your email and specific details about how we can improve the document.

Version	Approved	Endorsed	Effective date	Review date
6	Chief Learning Officer 21 September 2018	September 2018	September 2018	September 2019
Version History	V1: Replaces PR4.6 Special Consideration Procedure V2: Sept 2016 updated in new format without changes V3: Feb 2017 updated to reflect changes in the Special Consideration Team and subsequent process V4: March 2017 updated to new format with minor changes V5: Sept 2018 Included information around processing refunds and minor changes to examples of required supporting documentation V6: Nov 2018 Title change			
Course Type	All			
RTOs:	Open Colleges Pty Ltd (90796) Integrated Care and Management Training Pty Ltd (90197) College of Fashion Design Pty Ltd (3798)			
Partner RTOs:	Yes			