

Cancellation and Refund Policy and Procedure

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QAS Owner:	Manager, Academic Governance
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Versions	Version 1 – replaces PR4.6 Special Consideration procedure

Scope:	Course Type	All
	RTOs:	Open Colleges Pty Ltd Integrated Care and Management Training Pty Ltd College of Fashion Design Pty Ltd
	Partner RTOs	Yes

Communication:

All Policies, Procedures, Forms and Guidelines are loaded into the Quality Management System (QMS) in Firefly. This will automatically update documents in OCTiVE and OpenSpace. Updates are communicated to staff through Firefly Chatter, Trainers and Assessors through OCTiVE News and students through the Student Lounge in OpenSpace.

Cancellation and Refund Policy and Procedure

1. Scope

This procedure applies to any informal or formal application that is made for cancellation and refund or an application for Special Consideration.

2. 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*); or
- 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**); or
- the Cancellation Request identifies some other deficiency in the enrolment process (a **Non-Standard Application**).

A refund of the Course Fee, or other remedy, will also be provided where a Special Consideration application is received and OC considers that there are grounds for granting Special Consideration to the student.

If you are unsure about whether a complaint falls within one of these categories please escalate the case to the Manager, Student Services.

2.1. Cancellation in the 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; and
- 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 2.2, 2.3 and 2.4. [In these circumstances, the Cancellation Request should be escalated to the Head of Student Services and Operations].

2.2. 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 Divisional General Manager.

2.3. 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; or
- informing the student that they will be able to undertake the course even though they have limited English proficiency when clearly they could not.

2.4. 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 Course and Careers Adviser 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; or
- if the student does not meet and was not aware of the formal pre-requisites required of the course which they enrolled in.

2.5. Special Consideration Application

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 (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.

3. Procedures for Standard and Non-Standard Applications

3.1. 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 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 Manager of Student Services.

3.2. Review of Non-Standard Applications

On lodging of a Non-Standard Application, the Manager of Student Services will:

- investigate the non-standard application;
- obtain any additional information, if required, regarding the application; and
- make a recommendation for an outcome to the Head of Student Services and Operations.

The Head of Student Services and Operations will:

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

3.3. Timeframe for processing a non-standard cancellation and refund application

OC will endeavour 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.

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

4.1. Definitions

4.1.1. Special Consideration is defined as:

- continuing and serious circumstances which will materially affect a student's ability to complete their course;
- a disadvantage as a result of a material course change OC implements as part of continuous improvement or RTO regulatory requirements, which cannot be addressed under clause 38 of the Student Agreement.

4.1.2. 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; or
- 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.

4.2. Procedure

4.2.1. Receipt of Special Consideration Applications

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

- log the Special Consideration as a Case in Firefly;
- provide the student with their Case Number and confirmation receipt of the application within 5 business days; and
- refer the Special Consideration and any supporting documentation to the Manager of Student Services.

4.2.2. Review of Special Consideration Applications

On lodging of the application for Special Consideration, the Manager of Student Services will:

- investigate the Special Consideration case;
- obtain any additional information, if required, regarding the application; and
- make a recommendation for an outcome to the Head of Student Services and Operations.

The Head of Student Services and Operations will:

- review the recommendation and supporting evidence; and
- make a final decision on the outcome of the application.

The Manager of Student Services will communicate the final outcome in writing to the student including:

- For approved applications, any proposed solutions; or
- For rejected applications, the reasons for the decision.

4.2.3. Assessment of Disadvantage as a Result of Course Change

Manager of Student Services will liaise with the Head of Portfolio (HOP) or their delegate to determine any disadvantage based on course changes. Upon review and if a disadvantage is determined a suitable offer will be made to the student as outlined in clause 3.5.

4.2.4. Granting of Special Consideration

OC may grant Special Consideration in circumstances where one of the following conditions applies:

- the student received a Pensioner Education Supplement (PES) letter on enrolment and subsequently inform OC within four weeks from the Agreement Date that you have applied for and been denied the PES; or
- there has been a material change to the students' course resulting in a material disadvantage, which cannot be addressed by OC as per clause 2.3; or
- the student's circumstances are continuing and serious which will materially affect their ability to continue with their course.

If Special Consideration is granted, OC may grant:

- a full refund;
- a pro rata refund of the Course Fees (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.

4.2.5. Timeframe for Processing Special Consideration Applications

OC will endeavour 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. Quality and Continuous Improvement

This Policy, and its related Procedures and Guidelines, is subject to systematic review, evaluation and improvement. Specific review mechanisms include:

- Quality and Continuous Improvement Committee;
- Education Management Team;
- Results of Student and Trainer and Assessor Surveys; AND
- Informal Student and Trainer and Assessor Feedback.

6. Relating Legislation

- Competition and Consumer Act 2010 (Cth)
- Standards for RTOs 2015
- Commonwealth of Australia Privacy Act 1988.

Related Forms and Documents

	Location		
	OpenSpace	Website	QMS
Procedures			
PR1.1 Pre-Enrolment Information Procedures	X	X	X
PR1.2 Admissions and Enrolment Procedures	X	X	X
PR1.3 Marketing Procedure	X	X	X
PR4.1 Academic Support Procedures	X	X	X
PR4.2 Learning Support Procedures	X	X	X
PR4.4 Work Placement Support Procedures	X	X	X
PR4.5 Student Administration Support Procedures	X	X	X
Forms			
FR1.1 Enrolment Form	X	X	X
FR4.5 Course Cancellation Request Form	X	X	X
FR4.16 Special Consideration Request Form	X	X	X
FR4.17 Withdrawal Application Form for VET FEE-HELP	X	X	X
Related Documents			
DC1.1 Student Handbook	X	X	X
DC1.2 Student Agreement	X	X	X

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