

STUDENT REVIEW PROCEDURES FOR RE-CREDITING A FEE-HELP BALANCE

1. Introduction

Ella Baché College of Skin and Beauty Therapy (“the College”) will conduct this procedure in compliance with Schedule 1A of the *Higher Education Support Act 2003* and the VET Provider Guidelines.

For the purposes of this procedure a student is a student who is, or would be, entitled to VET FEE-HELP assistance who is enrolled in a VET FEE-HELP enabled course with the College.

The College will:

- set a census date for each VET unit of study that is no earlier than 20% of the way through the VET unit of study;
- ensure that all students are informed of the census date for each VET unit of study in the manner and by the date prescribed in the VET Administration Guidelines;
- ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance.

A student who withdraws from a VET unit of study on or before the published census date for that VET unit of study will not incur a VET FEE-HELP debt for that VET unit of study.

A student who withdraws from a VET unit of study after the published census date for that VET unit of study will incur a VET FEE-HELP debt for that VET unit of study.

A student who has incurred a VET FEE-HELP debt for a VET unit of study may apply to have their FEE-HELP balance re-credited for the affected VET units of study in accordance with the following procedure.

2. Special circumstances

If a student withdraws from a VET unit of study on or after the census date for that VET unit of study, or has been unable to successfully complete a VET unit of study, and believes this was due to special circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected VET units of study.

The College will re-credit the student’s FEE-HELP balance if it is satisfied that special circumstances apply that:

- are beyond the student’s control; and
- did not make their full impact on the student until on or after the census date for the VET unit(s) of study in question; and
- make it impractical for the student to complete the requirements for the VET unit(s) of study in question.

The College will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal.

Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim.

Initial applications for the re-crediting of a student's FEE-HELP balance are to be made, in writing, to the Student Liaison Officer and sent to:

Level 2, 77 Berry St
North Sydney NSW 2060

The procedure for the re-crediting of a FEE-HELP balance is as follows:

- (a) when a student withdraws from a VET unit of study, the College shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
- (b) when a student fails to meet the requirements of a VET unit of study, the College shall confirm the failure by giving notice to the student in writing of the final result for that VET unit of study after results for the VET unit of study have been properly approved;
- (c) the student must apply in writing to the Student Liaison Officer within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving their final results for the VET unit of study. The College may exercise its discretion to waive this requirement if in its opinion it was not possible for the application to be made before the end of the 12 month period;
- (d) The Student Liaison Officer shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- (e) The Student Liaison Officer shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome.

The Student Liaison Officer will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case. If the application is successful, the College will re-credit the student's FEE-HELP balance with an amount equal to the amounts of VET FEE-HELP assistance that the student has received for the affected VET units of study and the student's VET FEE-HELP debt for those VET units of study will be removed.

3. Review of a decision

If a student is not satisfied with the decision made by the Student Liaison Officer in relation to re-crediting their FEE-HELP balance they may request a review of the decision.

The review shall be carried out by the Review Officer who is the General Manager and is senior to the original decision maker.

Any such request must be submitted to the Review Officer in writing and:

- (a) must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period;
- (b) must specify the reasons for making the request; and
- (c) sent to:

Level 2, 77 Berry St
North Sydney NSW 2060

The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance in writing and inform the applicant that if the Review Officer has not advised the applicant of a decision within 45 days of having received the application for review, the Review Officer is taken to have confirmed the original decision. This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal for a review of the decision and will provide the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

The Review Officer shall:

- (a) seek all relevant information from the person who made the original decision;
- (b) review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.

The Review Officer may:

- (a) confirm the decision;
- (b) vary the decision; or
- (c) set the decision aside and substitute a new decision;

The Review Officer will give written notice of the decision setting out the reasons for the decision. The applicant shall also be advised in the decision of the right to apply to the Administrative Appeals Tribunal for a review of the decision; and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal as follows:

If you wish to further appeal this decision you may lodge an appeal with the Administrative Appeals Tribunal (AAT). As at 1st July 2009 the fee to lodge an application with the AAT for the review of a decision is \$777 (GST exempt). The contact details for the AAT are:

*Administrative Appeals Tribunal
Level 7, City Centre Tower
55 Market Street
Sydney NSW 2000
Telephone (02) 9391 2400*

Where a student is unsatisfied with the reviewed decision they may apply to the Administrative Appeals Tribunal for consideration of the College's decision to refuse to re-credit their FEE-HELP balance. The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to the College either in the original application or the request for review.

The Secretary of DEEWR, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon DEEWR's receipt of a notification from the AAT, DEEWR will notify the College that an appeal has been lodged. Upon receipt of this notification from DEEWR, the Review Officer will provide DEEWR with copies of all the documents they hold that are relevant to the appeal within 5 business days.

4. Publication

These *Student Review Procedures for Re-crediting a FEE-HELP Balance* will be published in the Student Handbook and on the College's website (www.ellabachecollege.edu.au).

5. Version control

Document: Student Review Procedures for Re-crediting a FEE-HELP balance		
Approved by: General Manager	Ver: #1.1	Date: 19 November 2010