



Document: Student Transfer Policy and Procedure		
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1. Policy Statement and Purpose

Wentworth Institute (WIN) will consider all requests for transfer fairly and take into consideration the individual circumstances of each student. As a registered provider, WIN is required to assess all transfer requests in accordance with Standard 7 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (The National Code) and WIN's policies and procedures.

2. Scope

This policy applies to overseas students enrolled within programmes offered by Higher Education, VET and ELICOS programs.

3. Definitions and Abbreviations

Overseas Student- A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act

Principal Course - The main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study, i.e. a 'package' of courses. The principal course would normally be the final course of study and that leads to the highest qualification in the 'package'. Where a study visa has been issued for only one course that course is the student's principal course of study.

4. Policy Provisions and Procedures

4.1 Transfers from another Registered Provider to WIN

4.1.1 Course Incomplete

In accordance with The National Code 2018, WIN will not enrol any international student visa holders who seek to transfer from another registered provider prior to their having completed six months of their principal course at that provider, except where:

- a. the original registered provider or course has ceased to be registered or a sanction has been imposed that prevents the original provider from continuing to deliver the principal course or the course in which the overseas student is enrolled has ceased to be registered or
- b. the original registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS ; or
- c. a government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.

Students who have studied longer than six months within their principal course can apply as normal, and no letters of release need to be sighted or produced.

4.1.2 Relevant Course Previously Completed

WIN will not process an acceptance of offer to a student who has previously completed a relevant CRICOS registered course unless it is satisfied the student

demonstrated a commitment to previous studies, maintained a good attendance record, and paid all tuition fees due.

4.2 Transfers from WIN to another Registered Provider

The National Code requires WIN to assess requests from students for a transfer to another registered provider if the students have not completed six months of their principal course of study and WIN is the principal provider.

WIN will consider all requests for transfer fairly and take into consideration the individual circumstances of each student in order to ascertain whether the transfer would be to the detriment of the student, in which case the application would be refused. Examples of factors that may be considered unsuitable for the student transferring include:

- a. the transfer may jeopardise the student's progression through a package of courses;
- b. The student is able to apply for transfer to other courses within WIN but will not be granted a release on the basis of a change of mind;
- c. The student has 25% or less of the course to complete;
- d. The student fees are in arrears;
- e. Claims of financial hardship;
- f. Claims of migration or representative agent error;
- g. WIN is concerned that the student's application to transfer is a consequence of the adverse influence of another party or if WIN considers the request for a transfer to be the result of student poaching;
- h. The student was given adequate information at the time of enrolment to enable the student to make an informed decision to undertake the course;
- i. The student claims difficulty with course but the full range of support services have not been accessed by the student (the student will be advised that WIN will revisit the issue within a timeframe negotiated with the student);
- j. WIN forms the view that the student is trying to avoid being reported to DIBP for failure to make satisfactory academic progress or to meet attendance requirements; or
- k. Where a student wants to transfer to a course that does not adequately meet their long term goals; or
- l. The student decides they would prefer to live in another city for personal reasons, including employment opportunities; or
- m. The student decides that they would prefer to study at an institution with lower fees; or
- n. The student decides that they would prefer to study a different subject area, or at a lower level.

Requests for transfer within the restricted period will be refused unless the student has a valid letter of offer of enrolment from another registered provider. WIN is not precluded, however, from refusing to release the student if WIN believes the transfer would be to the detriment of the student.

4.2.1 Special Circumstances

WIN will consider the following circumstances as reasonable grounds for transfer, where the student has supplied evidence in support of at least one of the following:

- a. WIN is unable to continue to provide the course as outlined in the written agreement; or

- b. the student wishes to change course in order to gain access to special services or pathways that can be confirmed as being offered by another registered provider, which WIN is not able to provide;
- c. the student has undertaken an individually tailored intervention strategy, but is still not coping with the study requirements and wishes to transfer to an alternative course that is not offered by the institute;
- d. The student can provide genuine evidence supporting compassionate and compelling circumstances which necessitate transfer to another provider;
- e. there is evidence that the overseas student's reasonable expectations about their current course are not being met and/or
- f. an appeal (internal or external), on another matter results in a decision or recommendation to release the overseas student.

4.2.2 Other Provisions

Students enrolled in a package should note that changing their preliminary courses(s) may exclude them from admission to their principal course as a preliminary course can be a prerequisite for the principal course.

The approval of transfer of a student to another institution does not remove the requirement for the student to pay any outstanding fees nor does it indicate the agreement to provide any refund. The Cancellation and Refund Policy, independent of this policy, govern refunds. After six months within the principal course, no restriction for transferring to another provider applies.

4.3 Transfer Requests

4.3.1 Non-packaged offers

For a request for transfer to be considered, it must be submitted in writing to the Registrar or delegate, include detailed reasons and supporting evidence for the transfer request and a valid enrolment offer from another registered provider. Students will be provided with written advice of the outcome of their request within 10 working days of WIN's receipt of the application.

An explanatory guide is available to explain more fully and to answer different questions about transferring between providers. See:

<https://www.legislation.gov.au/Details/F2017L01182/Explanatory%20Statement/Text> A Fact Sheet about student transfers is available from the Redfern Legal Centre at:
<http://rlc.org.au/sites/default/files/attachments/150921%20-%20Transferring%20to%20another%20Provider.pdf>

The student will be given the opportunity to discuss the reasons for the request with the Registrar or delegate who will make the decision to release the student, ensuring the reasons are adequately supported by the evidence gathered and documented. The evidence will be retained on the student's file.

Approved Transfer

Where the transfer request is agreed, the release will be granted at no cost to the student and he/she will be advised of the need to contact Department of Immigration and Border Protection (DIBP) to ascertain whether a new visa is required.

Refused Transfer

If the request for transfer is refused, WIN will provide the student with written notification of the reasons for refusing the request and advise that he/she is welcome to re-activate the application in accordance with an agreed timeframe. Included in the notification will be a reminder of the student's right to appeal against the refusal decision through the 'Academic and Non-academic Grievance Handling Policy & Procedure' and in accordance with Standard 10 (Complaints and appeals), the student has 20 working days from the nominated date in which to do so. All subsequent processes will be in accordance with that process.

Where a release letter request is not approved, the student can lodge an appeal in writing.

If a written appeal is received, the appeal process will commence within 10 working days of the formal lodgement of the appeal.

The grounds for appeal should be clearly stated, and may include:

- Evidence that the Student Transfer Policy was not applied correctly; or
- Additional evidence that the applicant meets the grounds for requesting a release.

WIN will not finalise the student's refusal status in PRISMS until the appeal finds in favour of WIN, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day period, or the overseas student withdraws from the process.

NB Changes to PRISMS will clarify that registered providers are not required to actively keep the overseas student enrolled while they are waiting to finalise the refusal of a transfer request.

4.3.2 Packaged offers

When there is a packaged offer, whereby a student has an offer for a WIN program followed by a conditional offer into a principal course with WIN Higher Education or another non WIN partner institution, WIN cannot grant release from that principal course.

The student must seek permission to cancel the principal course directly from the provider of that course. WIN will not issue a release letter for the preliminary course without a release letter for the principal course.

5. Roles and Responsibilities

- WIN will consider all requests for transfer fairly and take into consideration the individual circumstances of each student.
- The Registrar will assess requests for transfer and provide a notification of approval for transfer or notification of refusal to the student.
- WIN will maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.

6. Supporting Documents

- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
https://www.legislation.gov.au/Details/F2017L01182/Html/Text#_Toc487026955
- 'Refund Policy'
- 'Academic and Non-academic Grievance Handling Policy & Procedure'