



# **Re-credit of HELP Balance Policy and Procedure**

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## 1. PURPOSE

- 1.1 This document specifies how Laneway Education (the College) will administer the application for re-crediting a HELP balance due to special circumstances for domestic learners enrolled in a course of study or unit of study using VET Student Loans after census date.

## 2. SCOPE

- 2.1 This document applies to all staff and domestic learners enrolled in a course of study or unit of study using VET Student Loans.

## 3. DEFINITIONS

- 3.1 *Deferral* is a learner led process to postpone the start of study in a new course.
- 3.2 *Leave of Absence* is a learner led process to suspend their commenced studies for a period of time greater than two weeks, after which time the learner may recommence study.
- 3.3 *Suspension* is a college led process to suspend the enrolment of a learner for a period of time, after which time the learner may recommence study.
- 3.4 *Cancellation* is to cancel the learner's enrolment and any associated confirmation of enrolment (CoE).
- 3.5 *Compassionate or compelling circumstances*: are generally those circumstances beyond the control of the learner and which have an impact upon the learner's course progress or wellbeing. These could include, but are not limited to:
- 3.5.1 serious illness or injury, where a medical certificate states that the learner was unable to attend classes for a stated period of time;
- 3.5.2 bereavement of close family members such as parents or grandparents;
- 3.5.3 major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the learner's studies;
- or
- 3.5.4 a traumatic experience which could include:
- a) involvement in, or witnessing of a serious accident;
- b) witnessing or being the victim of a serious crime.
- and this has impacted on the learner (these cases should be supported by police or psychologists' reports);
- 3.5.5 where the College was unable to offer a pre-requisite unit; or
- 3.5.6 inability to begin studying on the course commencement date due to delay in receiving a student visa.
- 3.6 *Director: QAA* refers to our Director of Quality Assurance and Accreditation or delegated college representative
- 3.7 *Course(s) of Study*: refers to all courses and education services on the College scope of registration as an RTO.
- 3.8 *Term*: refers to a study period of usually 10 weeks with a published start date, end date and census date.
- 3.9 *Census Date*: refers to the date published for each study period which is at least 20% into the study period. The census date is the last date where the learner can withdraw or defer from their course of study or a unit of study without incurring a HELP debt as the financial penalty.

- 3.10 *Unit(s) of Competency*: refers to the individual competencies as part of the training package and course.
- 3.11 *Unit(s) of Study*: refers to a discrete unit a learner enrolls into and usually contains at least one or more unit(s) of competencies as a cluster of learning and assessment activity(s).

#### **4. DEFERRAL OR WITHDRAWAL AFTER CENSUS DATE**

- 4.1 A domestic learner who enrolled in an approved VET Student Loan course may apply to defer or withdraw from the course of study or one or more units of study, prior to the census date without incurring a HELP debt.
- 4.2 If the application is received after the census date, the learner will:
- 4.2.1 incur a HELP debt for the unit(s) of study enrolled and will be invoiced accordingly; and
  - 4.2.2 any fee due remains payable; and
  - 4.2.3 where the student has already paid the gap fee or parts of the gap fee, the gap fee or parts of the gap fee paid will be non-refundable.
- 4.3 The learner will still be required to pay the full fee as determined for the unit of study and repay their VET Student Loan debt as stated in section 4.2 above unless the learner can demonstrate special circumstances as outlined in section 5 below.

#### **5. SPECIAL CIRCUMSTANCES**

- 5.1 If a domestic learner enrolled in an approved course of study or unit of study using VET Student Loans wishes to withdraw from a course or selected unit of study after the Census Date, due to special circumstances, the domestic learner can apply to have the VET Student Loan balance re-credited and the HELP debt removed and any gap fee paid upfront refunded.
- 5.2 The College needs to be satisfied that special circumstances apply for the re-credit and refund to be approved. The domestic learner must be able to prove that the circumstances;
- 5.2.1 were beyond their control; and
  - 5.2.2 did not make their full impact until on or after the census date; and
  - 5.2.3 made it impracticable to complete the unit(s) of study requirements.
- 5.3 The following reasons usually don't constitute special circumstances;
- 5.3.1 change of mind
  - 5.3.2 non-attendance or failing of assessments or not meeting course progress
  - 5.3.3 known medical pre-conditions prior commencing the course of study
  - 5.3.4 known or predictable or avoidable changes in personal circumstance
  - 5.3.5 incidents or accidents that were predictable or avoidable
  - 5.3.6 any other circumstances where the domestic learner has a reasonable choice and chance to avoid the circumstances leading to the deferral or withdrawal.
- 5.4 The following reasons may constitute special circumstances;
- 5.4.1 Serious illness or injury where a medical certificate states that a student is unable to study
  - 5.4.2 Bereavement of close family members, e.g parents, kids and dependents or siblings
  - 5.4.3 Traumatic experiences that impact the student's ability to study and can be testified by a professional.
  - 5.4.4 Natural disasters, pandemics or legislative directions by state or federal authorities

#### **6. REQUESTING RE-CREDIT OF HELP BALANCE APPLICATION**

- 6.1 The re-crediting of HELP balance application must be made within 12 months after the census date for the course or unit of study in that fee period. The College may exercise its discretion to waive this requirement if it feels that it was not possible for the application to be made within the required 12-month period.
- 6.2 A domestic learner must complete the Application to Re-Credit HELP Balance form available on the College website, and attach any applicable supporting documentation.
- 6.3 The Administration and Enrolment Officer will review the application request for re-credit of HELP balance due to special circumstances. Each application will be examined and determined on its merits by considering the learner's claim together with supporting documentation substantiating the claim.
- 6.4 If the application is approved, the learner's VET Student Loan balance will be re-credited and any gap fee paid refunded. The Administration and Enrolment Officer will notify the learner in writing of the decision within 28 days, including reasons for the decision.
- 6.5 If the application is being rejected, the Administration and Enrolment Officer will notify the learner in writing of the decision within 28 days, including reasons for the decision and the step for seeking an internal review of the decision.

## **7. REQUEUST FOR A REVIEW OF THE INITIAL DECISION**

- 7.1 If the domestic learner is not satisfied with the rejection for re-crediting of HELP balance application, he/she can apply for a review of the initial decision made by the Administration and Enrolment Officer
- 7.2 The application for review must:
  - 7.2.1 be made within 28 days of receipt of the initial decision; and
  - 7.2.2 state the reasons for requesting the review; and
  - 7.2.3 provide additional relevant evidence to support the request.
- 7.3 A domestic learner must submit the review request in writing, either by mail or email to the College
- 7.4 There is no charge for consideration or review of decisions, unless a review is requested from the Administrative Appeals Tribunal (AAT).
- 7.5 The Director: QAA as the appointed Review Officer will acknowledge receipt of the application for review of a decision in writing within 10 working days after receiving the request.
- 7.6 The Review Officer will review the information from the original decision and then assess any new evidence provided by the learner.
- 7.7 If the application is approved, the learner's VET Student Loan balance will be re-credited and any gap fee paid refunded. Review Officer will notify the learner in writing of the decision within 28 days, including reasons for the decision.
- 7.8 If the application is being rejected, the Review Officer will notify the learner in writing of the decision within 28 days, including reasons for the decision and the learner's right to apply to the Administrative Appeals Tribunal if they disagree with the Review Officer's decision.
- 7.9 The Director: QAA will maintain a record of all communication with the domestic learner regarding the request, along with all relevant documentation, in the domestic learner's file.

## 8. RE-CREDITING OF HELP BALANCE DUE TO PROVIDER'S MISCONDUCT

8.1 A domestic learner may apply to the Secretary of the Department for re-crediting a VET Student Loan if:

8.1.1 the College, or a person acting on behalf of the College, engaged in unacceptable conduct in relation to the learner's application for the VET Student Loans; OR

8.1.2 the College has failed to comply with relevant legislation or an instrument under the legislation and the failure has adversely affected the domestic learner

8.2 A learner must apply in writing to the Secretary of the Department within 5 years after the Census Date for the course, or the part of the course, concerned, or within that period as extended by the Secretary of the Department.

8.3 The Secretary of the Department may re-credit a learner's HELP balance in relation to special circumstances if the College is unable to act, is being wound up, has been dissolved, or has failed to act and the Secretary is satisfied that the failure is unreasonable.

## 9. RESPONSIBILITIES

9.1 Laneway Education implements a RASCI Responsibility Matrix to assign and display responsibilities of individuals to carry out a process within the organisation.

	CEO	Head of Growth	Director: QAA	Administration and Enrolment Coordinator	Administration and Enrolment Team Members	Trainers and Assessors	Student Experience Team Members	Growth Team Members	Head of Compliance
R				X					
A	X		X						
S		X			X				
C									X
I						X	X	X	

'R' Responsible – the person who is responsible for carrying out the entrusted task, monitoring compliance and maintaining records.

'A' Accountable (also Approver) – the person who is responsible for the whole task and who is responsible for what has been done.

'S' Support – the person who provides support during the implementation of the process.

'C' Consulted – the person who can provide valuable advice or consultation for the process.

'I' Informed – the person who should be informed about the process.

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Revision History			
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26/05/2021	1.0	Original	Dan Wortley
25/05/2022	2.0	Revised in accordance with the VET Student Loans Act 2016 (the Act) and the VET Student Loans Rules 2016 (the Rules).	Rupi Malhi