

Purpose

The purpose of this policy and these procedures is to address Standard 7 of the National Code 2007 “Transfer between registered providers”.

Responsibility

The DOS or the nominee is responsible for the implementation of this procedure and to ensure that staff and students are aware of its application and that staff implement its requirements.

Requirements

- The Institute will not actively recruit students where the recruitment would conflict with the requirements of this procedure and/or Standard 7 of the National Code.
- The Institute is restricted from enrolling transferred students in the first six months of their principal course of study, except in accordance with Standard 7 of Part D of the National Code.
- If a Letter of Release is refused by the Institute, a student may appeal the provider’s decision.

Method

1. Letter of Release

- Students should apply for a Letter of Release on the appropriate form.
- Application for a Letter of Release will be finalised by 14 days of being received by the Institute.
- A Letter of Release will be granted in accordance with this procedure and only if the student can provide written confirmation that a valid enrolment offer has been made by another registered provider.
- A Letter of Release will normally be granted because it is in the best interest of the overseas student, and include either of the following circumstances or situations:
 - a. If the Institute has assessed that the overseas students will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the Institute’s intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements).
 - b. If the Institute assesses that there is evidence of compassionate or compelling circumstances by students which are beyond their control such

Student Transfer to Another Provider Policy and Procedure

- as serious illness or injury, bereavement of close family members, major political upheaval or natural disaster in the home country requiring emergency travel, or a traumatic experience such as involvement in, or witnessing, a serious accident, and witnessing or being the victim of a serious crime where this is documented by police or psychologist reports, etc.
- c. The Institute is unable to continue to deliver the course as outlined in the written agreement.
 - d. The Institute has a sanction imposed on its registration by ASQA.
 - e. There is evidence that the overseas student's reasonable expectations about their current course are not being met.
 - f. Here is evidence that the overseas student was misled by the Institute or an education or migration agent regarding the Institute or its course and the course is therefore unsuitable to their needs and/or study objectives.
 - g. An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
 - h. The student can demonstrate that they are experiencing threat to physical or mental health safety by remaining at the Institute and can demonstrate clearly how this will be alleviated through a transfer.
 - i. Any government sponsor of the overseas student considers the change to be in the overseas student's best interest and has provided written support for the change.
- A Letter of Release will normally not be granted in the following situations:
 - a. The student does not satisfy any of the situations above which normally lead to a Letter of Release being granted (it is not in the best interest of the overseas student)
 - b. The student who has not completed six months of their principal course of study in the Institute at the time of requesting a release letter.
 - c. The proposed transfer will jeopardise the student's progression through a package of courses
 - d. The student cannot provide a letter from another registered provider confirming that a valid enrolment offer has been made.
 - e. The student has not paid the tuition fees by due date. The student will be sent letters of warning saying that if they don't pay the tuition fees by due date, their CoE will be cancelled or any transfer or release letter will not be provided under any circumstances.

However, even if the student has provided an offer letter from another provider and has paid all tuition fees, the Institute upholds its right not to grant a release letter by considering conditions (a) , (b) and (c) under 'not granting a letter of release' above.

Student Transfer to Another Provider Policy and Procedure

- As regards (a) under conditions for granting of release, overseas students must note that the Institute will have discretion to refuse transfer requests from overseas students who are not genuinely engaging with an intervention strategy with the intention of failing and being released. If the overseas student subsequently intends to study at a lower AQF level, they will need to apply for a new student visa.
- Transfer request outcomes will be recorded in PRISMS and the outcome will be advised to the student.
- If a release is granted, it will be at no cost to the overseas student. The Institute will advise the overseas student to contact Immigration to seek advice on whether a new student visa is required. Students should also note that report on their course progress will still occur even if their transfer request is granted.
- If the Institute intends to refuse a release, the student will be informed of his or her rights of appeal using the Institute's Complaints and Appeals Procedure within 20 working days. The Institute will not finalise refusal status in PRISMS until:
 - Any appeal against the refusal lodged by student is finalised; or
 - The student didn't access the Institute's complaints and appeal processes within 20 working days; or
 - The student withdraws their appeal against refusal.
- A copy of the student's Letter of Release application and the outcome will be placed in the student's file. If a Letter of Release is refused, reasons for the refusal will be documented in writing.

2. Enrolling a Transferring Student

- The Institute will not knowingly enrol a student wishing to transfer from another registered provider prior to the student completing six months of his or her principal course of study, except where:
 - a. another registered provider has ceased to be registered, or the course in which the student is enrolled has ceased to be registered
 - b. another registered provider has provided a written Letter of Release
 - c. another registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course
 - d. Any government sponsor of the student considers the change to be in the student's best interests and has provided written support for that change.
- In the event that the Institute knowingly enrolls a student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course, documented evidence of at least one of the nine

Student Transfer to Another Provider Policy and Procedure

conditions listed above must be obtained and placed in the transferring student's file.

- The Institute will not seek to enrol a student who has not yet completed six months of their principal course of study with another registered provider unless the requirements of the National Code are met, and then only in accordance with this procedure.

If applicable, applicants transferring from another provider may apply for Credit Transfer using the Institute's standard Credit Transfer process.

Revision History

Version	Date	Description of modifications
1	April 2013	Original
2	March 2016	Change of college address and editing
3	December 2017	Revised as per revised National Code December 2017 so as to record transfer outcomes in PRISMS
4	November 2019	Change in the trading name and a logo as Kingston Institute Australia

Reference:

Standard 7 (The National Code 2007)