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# **Deferment, Suspension and Cancellation Policy & Procedures**

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# Deferment, Suspension and Cancellation Policy & Procedures

## Introduction:

This policy assures that the Australian Technical College Western Australia (ATCWA) follows and aligns with this policy and procedures where international students request a deferral, suspension or cancellation of studies in a CRICOS registered course.

## Purpose:

The purpose of this policy and procedures are to assure that ATCWA enables international students to defer or temporarily suspend their studies, including granting a leave of absence, during their CRICOS registered course through formal agreement in certain limited circumstances. This policy also provides guidance on how international student enrolment cancellations are managed by ATCWA.

## Scope:

This policy and procedures apply to all students enrolled in CRICOS registered courses at ATCWA.

## Responsibilities:

Operations Manager, Director of Operations, Director of Studies/Compliance, Admin/enrolment Officer, Student Support Officer.

## Definitions:

**Cancellation:** Refers to a cancellation of an international student enrolled in a CRICOS registered course.

**Compassionate and Compelling Circumstances:** Compassionate or compelling circumstances are generally those beyond the control of the student and which affect the student's course progress or wellbeing. These could include, but are not limited to:

- Serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
- Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;

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- A traumatic experience which could include:
  - a) Involvement in, or witnessing of a serious accident; or
  - b) Witnessing or being the victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists' reports);
- Where the registered provider was unable to offer a pre-requisite unit; or
- Inability to commencement studies due to delay in receiving a student visa.

**Deferral:** Refers to delaying the commencement of the international student's enrolment in a CRICOS registered course or discontinuing studies for a period of studies (Not more than a term/12 weeks)

**Erratic course progress:** Refers to the attendance that does not meet the minimum attendance requirements of ATCWA and is not regular. Attendance is usually considered erratic when it is sporadic and interspersed. ATCWA also considers erratic course progress to mean when an international student attends only specific occasions such as the mandatory orientation session, assessment days or attends for the purpose of marking their attendance on the attendance register and leaves soon after consistently.

**Extenuating circumstances** means circumstances relating to the welfare of the student that may include, but are not limited to the following. The student:

- Refuses to maintain approved care arrangements (only for students under eighteen (18) years of age);
- Is missing;
- Has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
- Has engaged, or threatens to engage, in behaviour that is reasonably believed to endanger the student or others; or
- Is at risk of committing a criminal offence.

Any claim of extenuating circumstances will need to be supported by appropriate evidence.

**International student** means international candidates who intend to be an international student on a student visa under the Migration Act 1958.

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**Misbehaviour** means any conduct that is a breach of ATCWA's policies and procedures, including the ATCWA Code of Conduct and Student Misconduct Policy, Australian law, erratic course behaviour, behaviour that is not consistent with the international student's principal purpose of enrolment at ATCWA being to learn or where the international student's behaviour is so grave that it compromises the health, safety and/or wellbeing of any stakeholder of ATCWA. Misbehaviour also includes any visa condition that the international student may have breached that ATCWA is required by law to report (for example, non-payment of tuition fees).

**Suspension** means to put an international student's studies in a CRICOS registered course on hold temporarily while they are in session; in other words, once they have commenced, but not yet completed.

**Study Period** means one (1) term (10 weeks unless specified in the training and assessment strategy) of scheduled classes.

Alignment	
National Code of Practice for Providers of Education and Training to Overseas Students 2018	
Part B (Standard)	2.1.8, 5.6.1, 5.6.2, 5.6.3, 5.6.4, 8.16.3, 8.17, 9

Document Version Control History			
Version	Date	Author	Change Description
001	6 June 2019	ATCWA	Creation of policy
002	19 September 2019	ATCWA	Review of Policy
003	2 July 2020	ATCWA	Review of Policy
004	11 August 2021	DOS/Compliance	Review and update the content to align with current practices
005	10 October 2021	DOS/Compliance	Amended the cancellation procedures
006	12 June 2022	DOS/Compliance	Amended all procedures to align with all applicable policies and procedures

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Australian Technical College  
Western Australia

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## The Policy

ATCWA assures that it has this policy in place for assessing, approving and recording a deferment of the commencement of study or suspension or cancellation of studies in any CRICOS registered course that they are enrolled in at ATCWA. It also guides the ATCWA applicable staff to collect and retain documentary evidence on the student's file of the assessment and outcome of the application received from a student for a deferment or cancellation of their current enrolled course. It also guides the ATCWA staff for maintain those records in accordance with the ATCWA's record keeping policy and procedure, privacy law and other applicable legislation.

ATCWA only defers or temporarily suspends the enrolment of the student on the grounds of compassionate or compelling circumstances (for example, illness where a medical certificate states that the student is unable to attend classes).

ATCWA may suspend or cancel an international student's enrolment, including, but not limited to, on the basis of:

- a) Misbehaviour by the international student;
- b) Non Commencement of Studies;
- c) The international student's failure to pay an amount that they were required to pay ATCWA to undertake or continue the CRICOS registered course as stated in the written agreement between the international student and ATCWA;
- d) A breach of course progress and/or attendance requirements by the international student in accordance with ATCWA's Course Progress Policy and Procedure.

Where ATCWA initiates a suspension or cancellation of an international student's enrolment at ATCWA, before undertaking this action, ATCWA will:

- a) Provide the international student with the reasons for doing so in writing; and
- b) Advise the international student that they have a right to appeal the proposed decision through ATCWA's *Complaints and Appeals Policy and Procedure* within twenty (20) working days, in accordance with Standard 10 of the National Code 2018.

ATCWA ensures that it:

- a) Informs the student that deferring, suspending or cancelling enrolment may affect their student visa; and

- b) Notifies the Secretary of the Department of Education and Training (DET) via PRISMS as required under Section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.

If an international student accesses the registered provider's internal complaints and appeals procedures in relation to their proposed suspension or cancellation of their enrolment under this policy, the suspension or cancellation cannot take effect until the internal process is completed, unless one of the following situations applies:

- a) The international student's health and/or wellbeing is at risk;
- b) Another international student's health and/or wellbeing is at risk;
- c) The health and wellbeing of ATCWA staff and other relevant stakeholders (for example but not limited to, practical assessment arrangements) is compromised by the international student's ongoing involvement and participation in their program; and
- d) ATCWA will report the change to the international student's enrolment on PRISMS in accordance with Section 19 of the ESOS Act 2000.

## **Procedures Applied to ATCWA Initiated Deferral, Suspension or Cancellation of studies**

ATCWA may suspend a student's enrolment in the following instances:

- Student misbehaviour or academic misconduct as outlined in the ATCWA's Academic Misconduct and misbehaviour policy and procedures.
- Due to an intervention strategy for unsatisfactory course progress in accordance with the Course Progress Policy and Procedure; and/or
- Compassionate and compelling circumstances.
- Non-payment of fees followed after the due dates as of the agreed payment plan

ATCWA may cancel a student enrolment in the following instances:

- Student demonstrates an inappropriate behaviour or academic misconduct as outlined in the ATCWA's Academic Misconduct and misbehaviour policy and procedures;
- Erratic course progress, for example, consistent unsatisfactory course progress in non-consecutive study periods or continuous absence from scheduled course hours;
- Non Commencement of Studies;

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- Breaching ATCWA policies and procedures; and/or
- Non-payment of outstanding fees.

In cases where suspension or cancellation of the student's enrolment is initiated by ATCWA, the student will be notified in writing and given twenty (20) working days to access ATCWA's internal complaints and appeals procedure in accordance with the National Code 2018, Standard 10.

The change in enrolment status will not be reported to DET until the internal appeals process is completed unless extenuating circumstances such as those relating to the welfare of the international student, other international students and/or other ATCWA stakeholders, an offence which would ordinarily attract police intervention or alleged criminal activity apply. Once the deferral, suspension or cancellation is processed, ATCWA will notify DET via PRISMS.

ATCWA will continue to provide learning opportunities for the international student during this twenty (20) working day period unless to do so would not be appropriate for an educational setting due to the safety of the international student, other international students or other stakeholders of ATCWA. The reason that ATCWA continues to provide learning opportunities for international students while the twenty (20) working day period is to exclude the international student from class for this time period as it might impact on the capacity to maintain satisfactory course progress. If the student is successful in their appeal, it is possible that several weeks or months pass and the international student may be disadvantaged by missing so much class time and this would then require extending the international student's Confirmation of Enrolment thus impacting on their student visa and pathway courses (where relevant). As such, it is expected that the international student continues to attend classes and participate as normal. Their attendance will be monitored according to ATCWA's attendance monitoring and policy and procedure.

International students may defer commencement of a course or suspend their enrolment during their course in the following limited circumstances:

- On the grounds of compassionate or compelling circumstances (at the discretion of ATCWA);  
or
- Student visa delay.

Student whose deferment or suspension of studies get approved, will go under intervention strategy to assist with course progress monitoring requirements.



## Procedure for Deferment of Studies:

The following procedure applies where International students request to defer either prior to commencing or after commencing their studies.

1. Student to complete and submit 'Application for Deferral of Studies' together with all supporting documentation to the Admin/Enrolment Officer.
2. The Admin/Enrolment Officer to review the application and supporting evidence, and make initial assessment in accordance to the applicable policies and procedures and submit the records to the Director of Operations for review and approval.
3. The Director of Operations to review the initial assessment and make the final decision.
4. The Admin/Enrolment Officer to inform the outcome of the deferment request to students within 20 working days from the date of the receipt of the application.
5. If the deferment is approved, the Admin/Enrolment Officer to process the deferment and notify DET via PRISMS, and issue a new CoE with a new enrolment agreement written to reflect the new commencement.
6. The Admin/Enrolment Officer to update records in the Administrative system (RTO Manager) and the student's file, and inform all applicable staff for follow up action.

## Procedure for Suspension of Studies:

1. Student to complete and submit 'Application for Suspension of Studies' together with all supporting documentation to the Admin/Enrolment Officer.  
For approval to be considered, international students must submit the form a minimum of ten (10) working days before the requested suspension date. Where there is an emergency situation that compels the international student to suspend their course, the minimum submission deadline of ten (10) working days may be waived.
2. The Admin/Enrolment Officer to review the application and supporting evidence, and make initial assessment in accordance to the applicable policies and procedures and submit the records to the Director of Operations for review and approval.
3. The Director of Operations to review the initial decision and make the final decision.
4. The Admin/Enrolment Officer to inform the outcome of the suspension request to students via

email within 7 working days from the date of the receipt of the application.

5. If the suspension request is approved, the Admin/Enrolment Officer to update records in the Administrative system (RTO Manager) and the student's file, and inform all applicable staff for follow up action.

Where the student has had an approved study break in their studies due to a deferment or suspension, that period is not counted for the purposes of determining the completion of six (6) months of their principal course.

## Procedure for Cancellation of Studies:

The following procedure applies where International students may request to cancel their enrolment before or after commencing their studies.

1. Student to complete and submit 'Application for Cancellation of Studies' or, where applicable, an 'Application for Letter of Release Form' and submit it together with all supporting documentation, to the Admin/Enrolment Officer.

Conditions Apply;

If a student requests to cancel his or her enrolment (after commencement of studies) and the reason for cancellation does not fall under compassionate or compelling ground, and or the decision of cancellation made by the ATCWA refers to any misconduct performed by the student (including financial), the student is liable to pay a cancellation fee of \$2500.

If a student wishes to concurrently seek a refund, they must complete the relevant documentation ('Application for a Refund Form' and any supporting documentation) and submit the application in accordance with ATCWA's Refund Policy.

2. The Admin/Enrolment Officer to review the application and supporting evidence, and make initial assessment in accordance to the applicable policies and procedures and submit the records to the Director of Operations for review and approval.

Conditions Apply:

- Where applicable, if the student has had an approved study break in their studies due to a deferment or suspension, that period is not counted for the purposes of determining the completion of six (6) months of their principal course.

- Students who request to release from their current enrolled course(s) must have fulfilled the 6 months of minimum study period of the principle course and should have provided all relevant evidence including a CoE from another training provider.
  - Students must have paid all applicable fees and charges prior to making the request of cancellation/release.
  - The applications received by the students who do not meet these requirements will not be considered and rejected.
3. The Director of Operations to review the initial decision and make the final decision.
  4. The Admin/Enrolment Officer to inform the outcome of the cancellation/Release request to students by sending a Letter of Release (if ATCWA is the principal provider) via email within 28 working days from the date of the receipt of the application.
  5. If the cancellation/release request is approved, the Admin/Enrolment Officer to process the cancellation/release and notify DET via PRISMS.
  6. The Admin/Enrolment Officer to update records in the Administrative system (RTO Manager) and the student's file, and inform all applicable staff for follow up action.

## **Additional Guidelines for International Students:**

- When an international student notifies ATCWA of any cessation of studies (deferral, suspension or cancellation), the international student must either leave Australia, obtain enrolment in an alternative course or apply for a different visa within twenty-eight (28) days of the cessation being reported. If an international student chooses to leave Australia, their student visa will be subject to cancellation. An international student who has left Australia and wishes to return to their studies must, at that point, apply for a new student visa.
- The international student will be required to prove that they are returning home, such as providing their airline ticket and a copy will be retained in the student's file.
- International students may temporarily suspend enrolment for a maximum period of 2 study periods (2 terms), however, see above additional guidelines for international students that may apply. If a student's suspension of studies application is approved and is more than 3 weeks of the term/study period the student may need to repeat the unit(s) or term/study

based on an intervention strategy that will be customised to each student's case.

- In the case of exceptional circumstances (supported by documented evidence), longer suspensions may be granted at the discretion of ATCWA's management.
- Deferral, suspension or cancellation of enrolment may affect the student's visa and students must be notified in writing of this fact.
- If an international student's enrolment is suspended for more than six (6) months, the student's visa may be affected and the student is advised to contact the Department of Home Affairs (DHA) for further information.
- Students who do not agree with the decision made by the ATCWA Management, they are advised to lodge an internal complaint and appeal application with the Student Support Officer. The Director of Studies/Compliance will review the case in accordance with the ATCWA's Complaints and Appeals Policy and Procedures and notify the outcome within 10 working days from the receipt date of the complaint.
- If the student is still unhappy with the outcome of the complaint or appeal, they contact the International Ombudsman and complaint or appeal against the ATCWA's decision. The details of the International Ombudsman can be accessed on:  
[https://www.ombudsman.wa.gov.au/Complaints/Overseas\\_Student\\_Complaints.htm](https://www.ombudsman.wa.gov.au/Complaints/Overseas_Student_Complaints.htm)

## Document Handling and Record Keeping:

All documentation relating to the assessment of international student deferral, suspension and cancellation applications will be kept in the student's file.

All discussions undertaken with the student during the processing of the application must be recorded on the student's file or/and the RTO College Database as they occur. All information to be kept confidential and main privacy of the student.

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## Supporting Documents:

- Refund Policy;
- Refund Application Form;
- Complaints and Appeals Policy and Procedure;
- Student Misconduct Policy;
- Monitoring Attendance Policy and Procedure;
- Course Progress Policy and Procedure;
- Student Fees and Charges Policy;
- Application for Cancellation of Studies;
- Application for Deferral of Studies;
- Application for Release Form;
- Application for Suspension of Studies.