

4.1.15 VET FEE-HELP Review and Appeals

Operating Policy and Procedures

1. **Policy**

The Navitas College of Public Safety will provide a transparent system for decision making and review.

2. **Purpose**

The purpose of this policy is to clearly outline issues regarding review and appeals for FEE-HELP.

3. **Responsibility**

The General Manager (Public Safety) is responsible for ensuring compliance with this policy and the College Director is the College's Equal Opportunity Officer.

4. **Guidelines**

The processes and procedures described in this document are consistent with obligations prescribed in the following legislation and guidelines:

- VET FEE-HELP Provider Guidelines
- VET FEE-HELP Guidelines
- Higher Education Support Act (HESA) – Schedule 1A

Where a request to re-credit a student's FEE-HELP Balance is granted, a student's VET FEE-HELP debt is removed in respect of the applicable VET units studied.

The College will consider these applications and agree to such request if it is satisfied that there were special circumstances in the student's case.

The College will refund to the Commonwealth the amount of VET FEE-HELP paid to the College on behalf of the student, if the student's request is successful. The College will notify the Department of Education, Employment and Workplace Relations (DEEWR) through the HELP Variations File.

4.1 **RE-CREDITING OF FEE-HELP AND FEE-HELP BALANCE**

A student may apply on or after the census date to have their FEE-HELP Balance re-credited if the student has been unable to complete the requirements of a VET unit of study and the student believes that this was due to special circumstances.

Special circumstances need to be:

- a) Beyond a person's control AND
- b) Do not make their full impact until on or after the census date for the VET unit of study in question AND
- c) Make it impracticable for a person to complete the requirements for the VET unit of study.

The situation must be unusual, uncommon or abnormal to be considered special circumstances.

- a) For circumstances to be beyond a person's control, the situation occurs which a reasonable person would consider which is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible.

- b) The College needs to be satisfied that a person's circumstances did not make their full impact on the person until on or after the census date for a VET unit of study if the person's circumstances occur:
- Before the census date but worsen after that day;
 - Before the census date, but the full effect of magnitude does not become apparent until on or after that day; or
 - On or after the census date.

Special circumstances which would make it impracticable for the student to complete the requirements for the VET unit of study would include:

- Medical circumstances: where a student's medical condition has changed to such an extent that he or she is unable to continue studying; or
- Family/Personal circumstances: death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue studies; or
- Employment related circumstances: where a person's employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person's control; or
- VET course related circumstances: where the College has changed the VET unit it had offered and the person is disadvantaged by either not being able to complete the VET unit, or not being given credit towards other VET units or VET courses.

A student is unable to complete the requirements for a VET unit, for example, if the student is unable to:

- undertake the necessary private study required; or
- attend sufficient lectures or tutorials; or
- meet other compulsory attendance requirements in order to meet their compulsory VET course requirements; or
- complete the required assessable work; or
- sit the required examinations; or
- complete any other VET course requirements because of their inability to meet the above.

A student can apply to the College to have their FEE-HELP Balance re-credited if he or she withdraws from his or her studies on or after the census date and/or the student has not completed the requirements for the VET unit of study. The student must apply in writing, within 12 months of the withdrawal date, or if the student has not withdrawn, within 12 months of the period of study in which the VET unit was, or was to be, undertaken.

The College has the discretion to waive this requirement if satisfied that the application could not be made within the time limit. The College's Training Manager (initial decision maker) will consider the student's application within 10 working days. Applicants will be notified of the decision within a further 10 working days.

If the application is successful, the Notice of Decision letter will include the reasons for the decision to refund paid tuition fees and/or re-credit FEE-HELP Balance; the FEE-HELP Balance that will be re-credited and the VET FEE-HELP debt that will be reduced (if applicable); the upfront payment amount that will be refunded if such a payment has been made; and who to contact for further questions

If the application is unsuccessful, the Notice of Decision letter will include the reasons for the decision not to refund paid tuition fees and/or re-credit FEE-HELP Balance; how to submit a valid request for a review of this decision; and who to contact for further questions.

4.2 **REVIEW PROCEDURE: FEE-HELP AND VET FEE-HELP**

Coverage

This procedure deals with requests for a review of certain decisions made by the College relating to applications by students to re-credit their FEE-HELP Balance.

Such decisions refer to unsuccessful applications by a student to re-credit their FEE-HELP Balance or Review means formal reconsideration of a decision.

Review Procedure

These procedures are to be published on the College website so that students have up to date information publicly available to them in regard to these procedures.

At the College the review officer is the College Director or delegate (who is more senior than the initial decision maker). Where a student is not satisfied with the decision made by the College, they may apply for a review of the decision. Reviewable decisions include:

- Refusal to re-credit some or all of a student's student learning entitlement for a VET unit of study,
- Refusal to re-credit a student's FEE-HELP Balance.

If a student is not satisfied with the outcome of their request for a re-credit of their FEE-HELP Balance, they may appeal in writing to the College Director within 28 days from the day they first receive notice of the outcome. The request must specify reasons for seeking the review. The request will be forwarded to the reviewer (the College Director or delegate).

The College will acknowledge receipt of an application for review of a reviewable VET decision in writing and inform the applicant that they will be advised in writing of a decision within 45 days. The applicant will also be informed in writing that if the reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, it is to be taken that the original decision has been confirmed.

Written notice of the outcome of a reviewed decision relating to VET FEE-HELP will be given to an applicant for review. If your application for review of the decision is successful, the Notice of Decision letter will include the reasons for the decision to refund your paid tuition fees and/or re-credit your FEE-HELP Balance; the FEE-HELP Balance that will be re-credited and the VET FEE-HELP debt that will be reduced (if applicable); the upfront payment amount that will be refunded if you have made such a payment; and who to contact for further questions.

4.3 APPEALS PROCEDURE: FEE-HELP AND VET FEE-HELP

If a student's application for review of the decision is unsuccessful, the Notice of Decision letter will include the reasons for the decision not to refund the student's paid tuition fees and/or re-credit your FEE-HELP Balance. The notice will also inform the applicant of their right to appeal the outcome to the Administrative Appeals Tribunal (AAT).

AAT Contact Information:

Administrative Appeals Tribunal
Level 16, HWT Tower, Southgate
40 City Road
Southbank **VIC** 3006
(03) 9282 8444

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

Administrative Appeals Tribunal
Level 4, Harry Gibbs Building
Commonwealth Law Courts
119 North Quay
Brisbane **QLD** 4000
(07) 3361 3000

An application fee of \$682 may be required as part of the appeals process. For full details on the application process please refer to www.aat.gov.au or call 1300 366 700.

Publication

This policy is published on the NCPS website

6

Authority

Authorised by the General Manager (Public Safety)

7

Approval

Approved by NCPS Management on 27.07.10

8

Review Date (Annually)

29 June 2011

Amendments

Date	Modified by	Sections amended/added	Approved by MR (if required)
18.06.09	Jodie Reeve	Corrected references to VET unit of study, VET course, VET unit, FEE-HELP balance and on or after the census date. Omitted references to Higher Education. Added review date Added approval section	19.06.09
25.09.09	Jodie Reeve	Inclusion of external appeal process in section 4.3	25.09.09
21.12.09	Jodie Reeve	Logo and name change Inclusion of Administrative Appeals Tribunal contact information – section 4.3 Minor changes to sentence structure in 4.1 Policy & purpose sections revised.	04.01.10
22.04.10	Jodie Reeve	4.1(b) Revised person responsible for review – Training Manager 4.2 Review Procedure – inclusion of decision timeframe (45 days) Inclusion of fees relating to AAT appeal process	22.04.10

29.06.10	Jodie Reeve	Review procedure updated to include "The applicant will also be informed in writing that if the reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, it is to be taken that the original decision has been confirmed"	29.06.10
29.07.10	Jodie Reeve	Role clarification 4.2 & 4.3. Inclusion of publication section	29.07.10