

## **VET Student Loans (VSL) Re-crediting & Review Procedures Policy:**

### **1.0 Policy Statement**

- 1.1 Melbourne College of Hair and Beauty (MCOHB) recognises the importance of ensuring a fair and equitable process for the application and review of re-crediting FEE-HELP balances.
- 1.2 MCOHB commits to work with all students enrolled with SRI in achieving just and equitable outcomes, and to conduct all proceedings in an open and transparent manner in accordance with this policy and procedure.
- 1.3 This document details the circumstances and process where a refund of VET Student Loans (VSL) debt will be considered and applied.

### **2.0 Incurring a VET Student Loan Debt**

- 2.1 A Student who is, or would be, eligible for VET Student Loan and has requested VET Student Loan Assistance, who withdraws from a Unit on or before the census date will not incur a VET Student Loan debt for the tuition fees for that Unit.
- 2.2 Students who have requested VET Student Loan Assistance who remain enrolled after the published census date will incur a VET Student Loan debt. A Student who withdraws from a Unit after the published census date for that Unit will incur a VET Student Loan debt for that Unit.

### **3.0 Re-crediting a VET Student Loan Balance**

- 3.1 Students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to have their VET Student Loan balance re-credited with respect to the Unit if they believe special circumstances apply (under section 68 of the Act).
- 3.2 Students may also apply to the Secretary under section 71 of the Act for the student's balance to be recredited due to:
  - a. the provider, or a person acting on the provider's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan, or
  - b. the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.

3.3 Other considerations include:

- applications for re-crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by MCOHB
- applications for re-crediting under section 71 of the Act must be made within 5 years after the census day for the course, or the part of the course, concerned or within that period as extended by the Secretary
- there is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal (AAT)
- the Secretary of the Department of Education and Training may re-credit a student's FEE-HELP balance in relation to special circumstances if an approved course provider is unable to act or is being wound up or has been dissolved; or has failed to act and the Secretary is satisfied that the failure is unreasonable.

3.4 This process ensures that the MCOHB does not victimize or discriminate against a student for: seeking a review or reconsideration of a decision, using the provider grievance processes or procedures or making an application for re-crediting the student's FEE-HELP balance.

#### **4.0 Special Circumstances**

4.1 If a Student withdraws from a Unit after the published census date for that Unit, or has been unable to successfully complete a unit, and believes this was due to special circumstances, the student may apply to have their FEE-HELP balance re-credited for the affected unit/s.

4.2 MCOHB will re-credit the Student's FEE-HELP Balance if it is satisfied that Special Circumstances apply where:

- a. These circumstances are beyond their control, and
- b. These circumstances did not make their full impact on the student until on, or after the census date; and
- c. These circumstances were such that it was impracticable for the Student to complete the requirements for the Unit.

### **Meaning of ‘special circumstances’**

#### *Special circumstances beyond a person’s control*

- 4.3 Examples of circumstances that may be considered beyond a person’s control might include a motor vehicle accident or the worsening of a serious illness.

### **Special circumstances that do not make full impact until on or after the census date**

- 4.4 Circumstances could be considered not to make their full impact on the person until on or after the census day for the VET unit of study if the person’s circumstances occurred:
- before the census day, but worsen after that day
  - before the census day, but the full effect or magnitude did not become apparent until after that day; or
  - on or after the census day.
- 4.5 Students do not need to demonstrate they were unable to withdraw from the course prior to the census day.

### **Special circumstances arising from pre-existing conditions**

- 4.6 A circumstance that first occurred before the census day may satisfy the special circumstances requirement where it worsens after that day, or the full effect or magnitude does not become apparent until after that day. For example, a person may have an illness or other underlying, pre-existing condition or incapacity prior to the census day for a course, but that condition may worsen, or the person may suffer from an aggravation, deterioration or serious episode, after the census date.
- 4.7 Alternatively, the full implications of a person’s condition may not have been apparent until after the census day. This may be because recovery does not go to plan, or the degree of disability or incapacity for study is not fully realised until after the census day.
- 4.8 MCOHB will consider whether the person’s circumstances changed on or after the census day and when the full effect or magnitude of the circumstances became apparent, taking into account any additional circumstances, including continuation of a pre-existing condition that may have affected the person on or after the census day.

## **5.0 Circumstances that made it impracticable to complete a course**

- 5.1 The term 'impracticable' is defined as 'not practicable, that which cannot be put into practice with the available means.
- 5.2 In considering whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements of the course, or part of the course, during the student's enrolment, MCOHB will consider:
- a. whether the student could do enough private study, or attend training sessions and other activities, or engage online, to meet course requirements
  - b. whether the student could complete any required assessable work, or demonstrate competencies required, and
  - c. whether the student could complete any other requirements arising from the student's inability to do the above.
- 5.3 Circumstances that make it impracticable for the person to complete the requirements for their course may include (among other things):
- medical circumstances: for example, where a person's medical condition has changed to such an extent that they are unable to continue studying,
  - family or personal circumstances: for example, death or severe medical problems within a family, or unforeseen family financial difficulties which affect the student to such an extent that it is unreasonable to expect a person to continue studies, or
  - the student's employment related circumstances: for example, where a person's employment status or arrangements have changed so the person is unable to continue their studies and this change is beyond the person's control.
- 5.4 Circumstances may be considered not to make their full impact on the person until on or after the census day for the VET unit of study if the person's circumstances occurred:
- before the census day, but worsened after that day; or
  - before the census day, but the full effect or magnitude did not become apparent until after that day; or
  - on or after the census day.

## 6.0 Supporting Documentation

- 6.1 Your application for re-credit/remission will be considered on its merits in conjunction with the supporting documentation you provide. Your supporting documentation should provide enough detail for MCOHB to make an informed decision regarding your case for re-credit/remission.
- 6.2 It is very important that you provide independent supporting documentation to support your claims. It is not enough to provide only a personal statement outlining your special circumstances. Depending on your reasons for applying for re-credit/remission you may also need to provide a statement from a doctor, counsellor, or your employer to verify your claims.
- 6.3 Statements made by parents, husbands/wives/partners, close relatives or friends are not considered to be:
- “Independent documentation” for these purposes.
- 6.4 Supporting documentation should include:
- a. For medical reasons – a statement from a doctor indicating:
    - the date your medical condition began or changed;
    - how your condition affected your ability to study; and
    - when it became apparent that you could not continue with your studies.
  - b. For family/personal reasons a statement from a doctor, counsellor or independent member of the community (e.g. Justice of the Peace or a Minister of Religion) indicating:
    - the date your personal circumstance began or changed;
    - how your circumstance affected your ability to study; and
    - when it became apparent that you could not continue with your studies. For employment related reasons – a statement from your employer indicating:
      - your previous work hours and location;
      - your current work hours and location; and
      - the reason for changed hours and/or location

## **7.0 Re-credit of a Student's FEE-HELP balance the process**

- 7.1 Each application for re-credit of a student's FEE-HELP balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim. There is no charge to undertake this process.
- 7.2 Under section 68 of the Act, MCOHB must re-credit a student's FEE-HELP balance if:
- The student applies to SRI in writing for the re-credit; and
  - They made the application within 12 months of the census day for the course concerned; and
  - MCOHB is satisfied that special circumstances (as defined in section 4 of this policy) prevented, or will prevent, the student from completing the requirements for the course, or the part of the course.
- 7.3 The Director of Studies is the designated VET Student Loan officer (VSL officer) for MCOHB.
- 7.4 The VSL officer is responsible for the assessment of a student's request for a re-credit of their FEE-HELP balance due to special circumstances and for the initial decision regarding the request.
- 7.5 A Student must apply in writing to the VSL officer within 12 months of the withdrawal date at either reception @mcohb.ecu.au or Melbourne College of Hair and Beauty, Level 1, 1 Star Crescent Docklands Vic 3008 or if the student has not withdrawn, within 12 months of the specified completion date of the Unit.
- 7.6 MCOHB has the discretion to waive this requirement if it is satisfied that it was not possible for the application to be made within the 12-month period. Relevant supporting documentation will be required to substantiate the claim.
- 7.7 The application for re-crediting a FEE-HELP balance must include details of the:
- a. Unit(s) for which a student is seeking a FEE-HELP balance re-credited and
  - b. Special circumstances as referred to above, including supporting documentation.
  - c. MCOHB will consider each application within 28 days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of the Act. Applicants will be notified in writing of the decision within 28 days.

## 8.0 Review of Decision

- 8.1 Where MCOHB decides **NOT** to re-credit a student's FEE-HELP balance that decision may be subject to review.
- 8.2 If a student is not satisfied with the decision made by MCOHB, the Student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The application for review must:
- Be made within 28 days of receipt of the original decision
  - Include the date of the original decision
  - State fully the reasons for applying for the review
  - Include any additional relevant evidence
- 8.3 Applications should be made in writing to the Chief Executive Officer (CEO) at [support@mcohb.edu.au](mailto:support@mcohb.edu.au) or Melbourne College of Hair and Beauty, Level 1, 1 Star Crescent Docklands Vic 3008.
- 8.4 The reviewing officer makes any decisions relating to a request for recrediting of a FEE-HELP balance. This review will be free of charge to the student.
- 8.5 Note: The Review Officer is senior to the designated VSL officer responsible for the original decision and was not involved in making the original decision to be reviewed.
- 8.6 The Review Officer will:
- 8.7 Acknowledge receipt of the application for review of a decision in writing within 10 working days; and Inform the student that if the review officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the review officer has confirmed the original decision.
- 8.8 The Review Officer will then:
- a. Review the information from the original decision and then assess any new evidence provided by the student.
  - b. Provide written notice to the student of the decision, setting out the reasons for the decision.
  - c. Inform the Student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved (see below).

## **9.0 Reconsideration without application**

- 9.1 MCOHB may reconsider a reviewable decision if the decision maker is satisfied that there is sufficient reason to do so.
- 9.2 MCOHB may reconsider the decision whether:
- an application for reconsideration of the decision has been made; or
  - the decision has been reconsidered; or
  - an application has been made for review of the reconsidered decision by the Administrative Appeals Tribunal.
- 9.3 After reconsidering the reviewable decision, MCOHB must reconsider the decision and:
- Confirm the decision; or
  - Vary the decision; or
  - Set the decision aside and substitute a new decision.
- 9.4 The reviewing officer's decision (the reconsidered decision) to confirm, vary or set aside the reviewable decision takes effect:
- on the day specified in the reconsidered decision; or
  - if a day is not specified on the day on which the reconsidered decision is made.
- 9.5 MCOHB must give the person written notice of the reconsidered decision to the person to whom the decision relates.
- 9.6 The notice must:
- be given within a reasonable period after the reconsidered decision is made; and
  - contain a statement of the reasons for the reconsidered decision,
  - advise the person of their right to review by the AAT.

## **10.0 Reporting the Remission to the Department**

- 10.1 Where a decision results in the re-crediting of a person's FEE-HELP balance, MCOHB will be notified and must report this outcome via submission of a Higher Education Information Management System revision file.
- 10.2 MCOHB must repay to the Commonwealth any amounts of VET Student Loan received from the Commonwealth on the person's behalf through subsequent reconciliations, unless otherwise advised the by Commonwealth.

## **11.0 Application to Secretary for re-crediting**

- 11.1 A student may apply to the Secretary of Commonwealth Department of Education (the Secretary) for the re-crediting of the student's FEE-HELP balance, under section 71 of the Act, where:
- 11.2 MCOHB or a person acting on behalf of MCOHB engaged in unacceptable conduct in relation to the student's application for the VET student loan; or

- 11.3 MCOHB has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student
- 11.4 Unacceptable conduct includes:
- a. unconscionable conduct (whether or not a particular individual is identified as having been disadvantaged by the conduct); or
  - b. misleading or deceptive conduct; or
  - c. the making of a representation with respect to any future matter, such as the doing of, or the refusing to do, any act, if the maker of the representation does not have reasonable grounds for making the representation; or
  - d. advertising tuition fees for the course where there are reasonable grounds for believing that SRI will not be able to provide the course for those fees; or
  - e. use of physical force, or harassment or coercion, in connection with the application or enrolment in the course.
- 11.5 An application to the Secretary for re-crediting must be made in writing and be within 5 years of the census day of the course, or within that period as extended by the Secretary
- 11.6 The Secretary may re-credit a student's FEE-HELP balance in relation to special circumstances if MCOHB:
- is unable to act or is being wound up or has been dissolved; or
  - has failed to act and the Secretary is satisfied that the failure is unreasonable.

## **12.0 Reconsideration by the Administration Appeals Tribunal**

- 12.1 At the time of the original decision, and at the time of the subsequent Review Decision, the student will be notified of their review rights and responsibilities. The relevant officer will inform a student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal and the details of when that payment is due.
- 12.2 The Application must be lodged at the AAT within 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT.
- 12.3 Full details of the application process and fees payable are available on the AAT Registry's website: [www.aat.gov.au](http://www.aat.gov.au) . An application fee may have to be paid. Applications cannot proceed until the fee has been paid or waived.
- 12.4 Applications for fee waiver must be made to the AAT. Refer to the AAT website for more details.

12.5 The Secretary of the department, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon the department's receipt of a notification from the AAT, the department will notify MCOHB that an appeal has been lodged. Upon receipt of this notification from the department, the Review Officer will provide the department with copies of all the documents that are relevant to the appeal within five (5) business days.

**END OF DOCUMENT**

# MELBOURNE COLLEGE OF HAIR & BEAUTY

## Application for Re-Crediting of FEE-HELP balances

### Applicant Information

#### Full Name

First/Christian Name:

Surname/Family name:

#### Address

Apartment/Street Number:

Street name:

Suburb

State:

Postcode:

Email:

mobile phone:

Student number:

USI Number:

Course(s) for which re-crediting is requested:

Census dates (if known)

Reason/s for Application: