

STUDENT TRANSFER BETWEEN PROVIDERS POLICY & PROCEDURE

1. Policy

This policy/procedure supports 'Standard 7 – Overseas Student Transfers' of the 'National Code of Practice for Providers of Education and Training to Overseas Students 2018'.

Providers are restricted from enrolling transferring students prior to the student completing 6 months of their principal course. As such Yorke Institute is unable to knowingly enrol a student transferring to Yorke Institute, who has not completed at least 6 months of their initial principal course without meeting specified criteria outlined in the National Code.

This policy details the procedures for assessing applications to transfer within this period. The procedures outlined below will ensure that it does not enrol any transferring international student prior to the 6 months of their principal course being completed unless any of the following apply:

- the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
- the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
- any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.

Students who have studied longer than this period of 6 months can apply as normal, and no other evidence is required.

The following procedures have been separated into 'Incoming students' and 'Outgoing students.'

2. Procedure

Any requests that are received in relation to a student wishing to transfer education providers shall be the responsibility of the Student Administration Officer. The Student Administration Officer shall assess the applications to transfer education providers and conclude an outcome based on the following procedure.

Incoming students

Yorke Institute may not enrol a student wishing to transfer from a course delivered by another provider (the outgoing provider) before the student completes six months of study of their principal course unless:

- the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered.
- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider.

- the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS.
- any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change.

Evidence of the reason for accepting the incoming student which complies with the National Code must be placed in the student file.

At the time of creating a CoE, PRISMS will alert York Institute if the student is yet to complete six months of study in their principal course. The enrolment officer must check to see if any of the criteria allowing for a transfer to take place apply.

If the student meets any of the criteria above, the supporting evidence must be placed within the student file and the enrolment can proceed. Otherwise, enrolment must not proceed until supporting evidence which complies with the National Code is provided.

Obtaining a letter of release

If a student requires consent from their current training provider however is yet to obtain this, the Student Administration Officer may assist as follows.

- To support the application for a transfer they can be provided with a 'Conditional.
 - Letter of Offer' (Appendix A) which clearly states that an offer of a place is contingent on their current provider agreeing to the transfer.
- If such agreement is obtained and recorded in PRISMS, and the applicant has no outstanding fees to be paid to the prior institution or other outstanding matters of concern, the applicant proceed as for all offshore applicants.
- If no agreement is obtained and recorded in PRISMS, the applicant process is halted the applicant informed that they are unable to transfer at this time. They are welcome to re-activate their applicant when the 6 months period has passed.
- Once student has completed more than 6 months of their principal course of study, the process proceeds as for all offshore students

Outgoing students

The following procedure is relevant to those students wishing to transfer to another education provider prior to completing six (6) months of their principal course of study.

- Students make a written request (e-mail is satisfactory) to Student Administration Officer to transfer to another provider. The only reasons in which Yorke Institute will agree to the release and record the release in PRISMS is if:
 - the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with Yorke Institutes intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
 - there is evidence of compassionate or compelling circumstances.

- Yorke Institute fails to deliver the course as outlined in the written agreement.
 - there is evidence that the overseas student's reasonable expectations about their current course are not being met.
 - there is evidence that the overseas student was misled by Yorke Institute or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives.
 - an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.
- ii. The student is asked to provide a valid 'Offer of Enrolment' from the new provider authenticating the transfer.
- iii. In assessing the application to transfer, the Student Administration Officer will check the following points:
- Ensure any outstanding fees are paid.
 - Ensure the student is fully aware of all issues relating the transferring of providers.
 - Check student records to ensure the student is not trying to avoid being reported to the appropriate government agency(s) due to lack of course progress or poor attendance records where the student has failed to engage with Yorke Institutes intervention strategy.
- iv. Once the above points have been addressed by the Student Administration Officer, the agreement to release the student will be recorded on PRISMS. The student will also be advised of the need to contact the Department of Immigration and Border Protection (DIBP) to seek advice on whether a new student visa is required.
- v. The Student Administration Officer must report the student's termination of studies to the appropriate government agency(s) via PRISMS.
- Where the transfer is not in the best interest of the student, the request to transfer to another RTO will be refused. Reasons for refusal may include but are not limited to:
 - New course outcome is not suitable to student situation.
 - New course location is not suitable.
 - Provider is not a CRICOS registered provider.
 - The welfare of the student may be compromised.

Where agreement to release the student is not granted, the student will be provided with written reasons for refusing the request. The student will be informed of his or her right to appeal Yorke Institute's decision in accordance with the Complaints and Appeals Policy.

- This decision of the appropriateness of the transfer will be made by the Student Administration Officer or RTO Manager and shall be given to the student in writing. (Appendix B)
- The above process should not take more than 48 hours once the student has provided the necessary documentation.
- All requests, considerations, decisions, and copies of letters of release should be placed on student's file.
- The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the refund policy independent of this policy available from the website.

APPENDIX A

'Conditional Letter of Offer' to Transfer

To *(Insert Student name)*,

I am writing to acknowledge your application to enrol in course *(insert Course name & Code)*.

As you **have not** completed the first six (6) months of your principal course of study at your current education provider, we are only able to offer you a 'conditional' offer of enrolment at this stage.

This condition of enrolment is based on you attaining a 'Letter of Release' from your current education provider in your principal course of study.

This 'Conditional Letter of Offer' is valid for a period of 10 working days from the date of this letter and your 'Letter of Release' must be presented before any further action will be taken in respect to this application.

Please do not hesitate to contact Student Administration Officer if you have any questions.

Regards

Student Administration Officer
Yorke Institute Pty Ltd

APPENDIX B

To **(Insert Student name)**,

I am writing to acknowledge your application to transfer to another provider within the first six (6) months of your principal course of study.

As you have not completed the first six (6) months of your principal course of study and Yorke Institute has **refused** your application on the grounds that it believes the transfer would not be in your best interests.

This decision that this transfer is not in your best interests are due to:

- ☐ New course outcome is not suitable to student situation
- ☐ New course location is not suitable
- ☐ Provider is not a CRICOS registered provider
- ☐ The welfare of the student may be compromised
- ☐ Other Reason that are not in the best interests of the student.....

(Outline how this is transfer is not in the best interests of the student)

If you feel you have reasonable grounds for your transfer and wish to appeal this decision, you **must** contact Yorke Institute **in writing** within 20 days outlining your circumstances. This process is outlined in the attached 'Complaints & Appeals Policy and Procedure' and further information on this process / decision can be gained from the Student Administration Officer.

If no response is received within 20 working days Yorke Institute will close the application and you are required to continue with your studies in line with the original enrolment conditions.

Please do not hesitate to contact Student Administration Officer if you have any questions.

Regards,

Student Administration
Yorke Institute
Level 36, 1 Macquarie Place,
Sydney NSW Australia 2000