

Changes to the National Code 2007: Transition support handbook for non-government schools – 28 September 2007

Note: New text is indicated in red.

Registration on CRICOS	
<i>Registration requirements</i>	
Point 2 - Amended	Registration on CRICOS is for a particular course for a particular state however, as of 1 July 2007 designated authorities will be able to consider registration of a course that includes an interstate component.
Standards for Providers	
<i>Standard 3 – Formalisation of Enrolment</i>	
Q.2. - New	<p>What information is required in relation to fee increases?</p> <p>If the school knows how much fees will increase over the length of the course, i.e. there is a set rate of increase, then that should be included in the written agreement.</p> <p>If fees increase by less than the stated amount then no amendment to the written agreement is required as the student is not worse off. If the increase is more than the amount stated in the written agreement then the school must add a new page to the written agreement which details the new fee arrangement and which is signed and dated by all parties. The new sheet would be attached to the original agreement.</p> <p>If a school's fees increase on an ad-hoc basis then they would need to add a new page to the written agreement as set out above when there is an increase.</p>
<i>Standard 5 – Younger Students</i>	
Q.1. - Amended	<p>Where a student is not in the care of a parent or a suitable relative, notification of approval by the school is made via a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter available when the student CoE is approved in PRISMS.</p> <p>For more information see also the DIAC Fact Sheet <i>Changes to the Migration Regulations relating to student visa holders under 18 years of age</i> at http://www.immi.gov.au/students/_pdf/Changes-to-migration-regulations-students-under-18.pdf.</p>
<i>Standard 8 – Complaints and appeals</i>	
Q.6. - Amended	<p>What does 'maintain the student's enrolment' mean?</p> <p>The school must maintain the student's enrolment while the complaints and appeals process is ongoing i.e. make no changes to the student's enrolment status on PRISMS, but this does not necessarily mean that a student must remain in class. Where this is not practical, the student may be provided class work and supervision to continue his or her studies external to the</p>

	classroom.
Q.7. - New	<p>Does the school also have to maintain the student's enrolment during the external appeals process?</p> <p>If the appeal is against a decision to report the student for unsatisfactory course progress or unsatisfactory attendance then the school must maintain the student's enrolment until the external appeals process is complete."</p> <p>If the appeal is against a decision to defer or suspend a student's enrolment dues to misbehaviour or to cancel a student's enrolment, then the school only has to wait the outcome of the internal appeals process.</p>
Q.8. - Moved from sample policy	<p>Which bodies can a school use as an external appeals body?</p> <p>Some possible external appeals bodies are listed below. School should contact the body they propose to use to ensure the body will deal with the type of complaints and appeals that may be involved.</p> <p>ACT Conflict Resolution Services http://www.crs.org.au/ Institute of Arbitrators and Mediators of Australia (IAMA) at http://www.iama.org.au National Alternative Dispute Resolution Advisory Service at http://www.nadrac.gov.au/ NSW Community Justice Centres at http://www.cjc.nsw.gov.au NT Community Justice Centre at http://www.nt.gov.au/justice/graphpages/cjc/index.shtml Ombudsman in each state and territory QLD Community Justice Program (008 017 288) QLD Dispute Resolution Branch at http://www.justice.qld.gov.au/mediation/home.htm TAS Positive Solutions at http://www.positivesolutions.com.au/ VIC Dispute Settlement Centre of Victoria at http://www.justice.vic.gov.au/ Western Australian Department of Education Services at http://www.des.wa.gov.au/pages/international_disputes.php</p>
Standard 10 – Monitoring course progress	
Q.11. - Amended	<p>How does a school report a student for unsatisfactory course progress?</p> <p>PRISMS will guide schools through the reporting process. To report a student for not making satisfactory progress, schools must go into the Student Course Variation (SCV) screen, and after responding to the 'Did the student undertake any study in this enrolment', from the drop down list under 'Reason for Course Variation', choose 'Non compliance with student visa conditions'. Then from the drop down list at the 'Course non compliance reason' prompt, select 'Unsatisfactory course progress'.</p>
Standard 11 – Monitoring attendance	
Q.12. - Amended	<p>How does a school report a student for unsatisfactory course attendance?</p> <p>PRISMS will guide schools through the reporting process. To report a student for not making satisfactory attendance, schools must go into the Student Course Variation (SCV) screen, and after responding to the 'Did the</p>

	student undertake any study in this enrolment’, from the drop down list under ‘Reason for Course Variation’, choose ‘Non compliance with student visa conditions’. Then from the drop down list at the ‘Course non compliance reason’ prompt, select ‘Unsatisfactory attendance’.
Standard 15 –Changes to registered providers’ ownership or management	
Q2 - Amended	<p>“The ‘fit and proper’ persons test is to identify any past behaviour on the part of the owner of an education provider and its associates which might make him or her ineligible for registration on CRICOS. This test can take place at any point during a school’s registration. For more information see the DEST Fact Sheet on changes to the ‘fit and proper’ test at http://aei.dest.gov.au/AEI/ESOS/ESOSLegislation/Fit_Proper_Prov_pdf.pdf.</p> <p>Under section 9(5) of the ESOS Act, schools that are entitled to receive Commonwealth recurrent funding are exempt from having to satisfy the designated authority that they are fit and proper for registration. However this excludes private corporate bodies established in connection with such a school. If you have any queries about this you should contact the designated authority.”</p>
Sample documentation	
All sample documents	A new section on the National Code requirements has been added to all sample document information covering pages. The new section also notes where these requirements have been met in the sample document if applicable. They also note that the sample documents should be amended to reflect individual school processes and procedures within the scope of the requirements of the National Code 2007.
Standards 1 & 2 – Checklist for marketing information and practices	
Format	Sections now numbered
Dot point 1.	Clarification that ‘Registered Provider Name’ is the legal entity name as registered on CRICOS.
Standard 2 – Statement regarding course credit	
Order	Moved from Standard 12 to Standard 2.
Standard 3 – Written agreement with students	
Point 3.	Course enrolment now refers to Primary/Junior Secondary/Senior Secondary
Point 4.	‘Conditions on enrolment’ now includes the section on school policies.
Point 5.	Course fees and other charges now includes a reference to including information relating to expected fee increases
Point 6.	Payment of course fees and refunds has been included
Point 7.	Refund of course monies now includes a simplified version of the refund policy conditions rather than a reference to the refund policy (see below)
Point 10.	Declaration changed to read “I confirm I have received and understood information from the school regarding the following”
Standard 3 – Refund Policy	
	Requiring 10 weeks notice of withdrawal has been removed from the policy with a note on the information covering page which reads - The sample policy assumes an application fee and one year’s tuition in advance however policies should reflect individual school processes and procedures. Schools which accept fees on a semester basis may prefer to require one term or ten

	weeks written notice of withdrawal.
Format	Has been re-ordered with some new sub-headings for clarity
Point 1.	Now refers to ‘course monies’ including any that may have been paid to education agents.
Point 2.	Clarifies that any fees paid to education agents by students/parents for their services are not covered by the refund policy.
Point 4.e.	Refunds will be paid to the student or the person specified in the written agreement.
Point 5.	All notification of withdrawal from a course, or applications for refunds, must be made in writing and submitted to [insert appropriate person.]
7.a.	Refunds for student default apply to tuition fees only. Course monies (excluding tuition fees) will be refunded on a pro rata basis proportional to the amount of time the student was enrolled in the course, except where a non-refundable payment has been made on behalf of the student.
7.b.	If the student does not provide written notice of withdrawal and does not start the course on the agreed starting date, only one term’s (or ten weeks) tuition fees will be refunded from the annual tuition fee.
7.c.iii	If written notice is received within six months of the commencement date of the student’s course, only one term’s (or ten weeks) tuition fees will be refunded from the annual tuition fee.
Point 7.d.	No refund of tuition fees will be made where a student’s enrolment is cancelled for any of the following reasons;
Point 8.	Includes a link to the DEST Information Sheet <i>How to meet the requirements of Standard 3.2c.</i>
Point 10.	Includes a definition of ‘course monies’.
Standard 6 – Student Orientation Checklist	
Added	Available student support services Legal services available to students
Standard 7 – Student Transfer Request Assessment Policy	
Point 5.	In order to apply for a letter of release, students must have a letter from the receiving provider that a valid offer of enrolment has been made.
Point 8.	Students whose request for transfer has been refused may appeal the decision in accordance with XXXX School’s complaints and appeals policy. The complaints and appeals policy is available at X.
Standard 7 – Student Transfer Request Assessment flow-chart	
Added	Now includes ‘student does not appeal’ in the appeals process.
Standard 7 - Application for student transfer/letter of release	
Added	Please read the attached Student Transfer Request Assessment Policy before filling out this form to see if you meet the requirements to be granted a letter of release for transfer.
Standard 8 – Complaints and Appeals Policy	
Format	Has been re-ordered with new sub-headings for clarity.
Format	The section on parents has been removed with a change to the definition of student to include parents/legal guardians of students under 18.
Point 4.c.	Written complaints or appeals are to be lodged with the Principal/other.
Point 4.d.	Where the internal complaints and appeals process is being accessed because the student has received notice by the school that the school intends to report

	him/her for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student has 20 days from the date of notification in which to lodge a written appeal.
Point 4.e.	Internal complaints and appeals processes are available to students at no cost. [If there is a cost it must be minimal and should be detailed here].
<i>Standards 9, 10 & 11 – Course progress and attendance policy</i>	
Point 3.f.	The school decides how often to assess on a regular basis and what method of calculation it will use.
<i>Standard 13 Deferment, suspension and cancellation policy</i>	
Point 1.c.	Deferments will be recorded on PRISMS
Point 2.b.	Suspensions will be recorded on PRISMS
<i>Standard 13 – Letter of intention to suspend or cancel with extenuating circumstances</i>	
Amended last paragraph	<p>However, XXXX School has determined that extenuating circumstances apply in this case. [Insert details]</p> <p>For this reason your enrolment will be suspended/cancelled immediately. This will not affect your ability to access the complaints and appeals processes of the school.</p>