

Re-Crediting HELP Balance and Student Review Requirements Policy

Overview

A student's HELP balance can be re-credited under Part 6 of the VET Student Loans Act 2016 if an amount of VET Student Loan has been used to pay tuition fees for a student for an approved course, or a part of an approved course.

Scope

This policy and procedure applies to students enrolled with The Health Arts College in a VET Student Loans approved course and who wishes to apply for a re-credit of their HELP balances incurred in relation to the approved course.

A Student who is, or would be, eligible for a VET Student Loan and has requested VET Student Loan who withdraws from a Unit on or before the census date will not incur a VETSL debt for the tuition fees for that Unit.

Students who have requested a VET Student Loan who remains enrolled after the published census date will incur a VETSL debt for the Units in which they are enrolled.

Re-crediting a HELP balance for special circumstances.

A student's HELP balance can be re-credited under Section 68 of the VET Student Loans Act 2016 if an amount of VET Student Loan has been used to pay tuition fees for a student for an approved course, or a part of an approved course if The Health Arts College believes special circumstances apply. This application must be made within 12 months after the census day for the course, or the part of the course, concerned or within the period as extended by The Health Arts College

The Meaning of Special Circumstances

Circumstances are special, if a student can demonstrate and satisfy The Health Arts College that special circumstances were:

- beyond the Student's control; and
- did not make their full impact on the student until on, or after the census day for the course or the part of the course, during the students enrolment in the course or part of the course; and
- made it impracticable for the student to complete the requirements for the course, or the part of the course, during the students enrolment in the course or the part of the course.

Circumstances beyond a student's control

The situation should be that which a reasonable person would consider is not due to the student's action or inaction, either direct or indirect, and for which the student is not responsible for example 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

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.

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

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.

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.

The Health Arts College 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.

Circumstances that made it impracticable to complete a course

The term 'impracticable' is defined as 'not practicable, that which cannot be put into practice with the available means'. 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, The Health Arts College will consider:

- whether the student could do enough private study, or attend training sessions and other activities, to meet course requirements
- whether the student could complete any required assessable work, or demonstrate competencies required, and
- whether the student could complete any other requirements arising from the student's inability to do the above

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 he or she is 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

Re-crediting a student's HELP balance because of unacceptable conduct

Students may apply to the Secretary of the Department for their HELP balance to be re-credited under Section 71 of the Act. Section 71 allows for the Secretary to re-credit a student's HELP balance if:

- the provider or a person acting for the provider engages in unacceptable conduct in relation to the student's application for a VET Student Loan, or
- the provider fails to comply with the Act or an instrument of the Act and the failure has adversely affected the student.

Applications for re-crediting under Section 71 of the Act must be made within 5 years after the census day of the course, or part of the course, concerned or within that period as extended by the Secretary

Internal Review of Decisions

Where THA makes a decision NOT to re-credit a Student's HELP balance that decision may be subject to review. If a Student is not satisfied with the decision made by THA, 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; and include any additional relevant evidence.

Reconsideration by the Administrative Appeals Tribunal

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. 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.

Full details of the application process and fees payable are available on the AAT's website: www.aat.gov.au An application fee may have to be paid in the amount of \$884 (from 1 July 2016) and is subject to change. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT.

Refer to the AAT website for more details.

Details of closest AAT office: Level 16, HWT Tower, Southgate 40 City Road, Southbank VIC 3006. Telephone: 03 9282 8444 or 1800 228 333 Email: generalreviews@aat.gov.au

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 THA 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 ten business days.

The Heath Arts College Pty Ltd undertakes the following policy in regards to tuition fee refunds for all genuine students who are eligible for VET Student Loans. It ensures that it complies with the fairness requirements in relation to review procedures for re-crediting HELP Balances as set out in Schedule 1A of the Higher Education Support Act (HESA) (the Act) and Part 6 of the VET Student Loan Act 2016.

1. Responsible Officers:

- 1.1 The THA College Administration Manager is the designated VET Student Loan Officer of The Heath Arts College. They are responsible for the assessment of a student's request for re-crediting HELP balance due to special circumstances and for the initial decision regarding the request.
- 1.2 The Chief Executive Officer (CEO) is the designated review officer of any decisions relating to the re-crediting HELP balance.
- 1.3 Students who have requested VET Student Loan and remain enrolled after the published census date will incur a debt for that course or part of the course.
- 1.4 A Student who withdraws from an approved course or part of the course after the published census date will incur a debt for that course or part of the course.

2. Re-crediting a HELP Balance

2.1 Students who withdraw from an approved Course or Part of the Course after the applicable census date, or fail to complete a course or part of the course, may apply to have their HELP balance re-credited with respect to the course or part of the course if they believe special circumstances apply in accordance with the following procedures.

3. Special Circumstances

3.1 THA college will re-credit a student's HELP balance if:

- The student applies to THA in writing for the re-credit AND
- The application is made within 12 months (THA may extend this period at its discretion) after the census day for the course, or part of the course; AND
- THA is satisfied that special circumstances prevented, or will prevent, the student from completing the requirements for the course, or the part of the course.

4. The Heath Arts College Pty Ltd will re-credit the Student's HELP Balance if it is satisfied that Special Circumstances apply where:

- a. The Student's withdrawal or failure to complete 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 impractical for the Student to complete the requirements of the course or part of the course.

5.1 For circumstances to be beyond a Student's control, the situation should be in which a reasonable person would consider is not due to the Student's action or inaction, either direct or indirect such as:

- a. serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- b. death of close family members such as parents or grandparents (Where possible a death certificate should be provided);
- c. a traumatic experience that has impacted on the student which could include involvement in, or witnessing of a serious accident or witnessing or being the victim of a serious crime. Such cases supported by police or psychologists' reports.

5.2 Special circumstances do not include:

- a. lack of knowledge or understanding of requirements for VET Student Loan assistance; or
- b. a Student's incapacity to repay the debt (repayments are income contingent and the Student can apply to the Australian Taxation Office for a deferral of a compulsory repayment in certain circumstances).

5.3 In determining whether circumstances are special circumstances because they make it impracticable for the student to complete the requirements for the course, or part of the course, during the student's enrolment in the course, or part of the course, THA will have considered the following as stated in Section 145 of the Vet Student Loans Rules 2016:

- a. Whether a student could do enough of the following to meet course requirements:
 - i. Private study
 - ii. Attending training sessions and other activities
 - iii. Engaging online
- b. Whether student could complete any assessments, or demonstrate any competencies required
- c. Whether the student could complete any other requirements arising because of the student's inability to do things described above.

5.4 In determining whether circumstances are special circumstances because they make it

impracticable for the student to complete the requirements for the course, or part of the course, during the student's enrolment in the course, or part of the course, THA may have regards to one or more of the following but not limit to these circumstances as stated in Section 146 of the Vet Student Loans Rules 2016:

- a. Medical circumstances of the student.
- b. Circumstances that relate to the student personally or to the student's family
- c. Circumstances relating to the student's employment.

5.5 The Secretary may re-credit a student's HELP balance in relation to special circumstances if a course provider:

- a. is unable to act or is being wound up or has been dissolved; or
- b. Has failed to act and the Secretary is satisfied that the failure is unreasonable.
- c. The application 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.

6. Courses not provided to completion:

6.1 THA must, on Secretary's behalf, re-credit a student's HELP balance if:

- a. the student has not completed the requirements for the course, or the part of the course, because THA ceased to provide the course or part after it started but before it was completed AND
- b. it is impractical for the student, under the approved tuition assurance arrangement for the course, to finish the course or an equivalent course.
- c. The amount re-credited must equal the amount of the VET Student Loan that has been used to pay tuition fees for the student for the course, or part of the course.

6.2 If the THA re-credits the student's HELP balance, it will notify the following of the re-credit as soon as practicable:

- a. The student
- b. The tuition assurance scheme operator for the student for the course.

6.6 The Health Arts College will utilise its Fair Treatment and Equal Benefits Opportunity Policy when considering such applications.

7. The amount re-credited must equal the amount of the VET Student Loan that has been used to pay tuition fees for the student for the course, or part of the course.

8. THA will as soon as practicable:

- Consider an application for a student's HELP balance to be re-credited under Section 68 of the Act; AND
- Notify the student of the decision on the application. This statement will include the reason for the decision made.

Re-credit of a Student's HELP balance - The procedure

Each application for re-credit of a student's HELP balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.

Written application needs to be made to the Administration Officer at 1/94 Foster Street, Dandenong, VIC 3175. The officer is responsible for the assessment of a student's request for a re-credit of their HELP balance due to special circumstances and for the initial decision regarding the request.

Re-Crediting HELP Balance Procedure

STEP 1 – Application for re-crediting HELP Balance

No.	Who	Actions
1	Student	The application for re-crediting under Section 68 of The Vet Student Loan Act 2016 must be made in writing within 12 months after the census day for the approved course or the part of the course. THA may extend this period at its discretion. The applications need to be sent to administrationofficer@thacollege.edu.au . There is no fee for service for this procedure.
2.	Administration Officer	The application made by the student needs to have the following information provided to the provider: <ul style="list-style-type: none"> • Unit(s) for which a Student is seeking to have a HELP balance re-credited and • Special circumstances under Section 71 of the VET Student Loan Act, including supporting documentation.
3.	Administration Officer	Special circumstances under consideration are as per THA's Re-crediting HELP Balance policy that include: <ul style="list-style-type: none"> • Are beyond student's control and • Do not make their full impact on the student until on or after the census day for a course or the part of the course. • Make it impracticable for the student to complete the requirements for the course or part of the course, during the enrolment of the student's enrolment in the course or part of the course.
4.	Student	A student may apply to the Secretary for the student's HELP Balance to be re-credited under Section 71 of the Act.

STEP 2 – Processing of the Application received

No.	Who	Actions
1.	Administration Officer	The Heath Arts College Pty Ltd will consider each application within 5 working days of receipt of the application.
2.	Administration Officer	It will consider each request to re-credit a HELP balance in accordance with the requirements of Division 2 of VET Student Loan Act 2016.
3.	Administration Officer	The amount re-credited must equal the amount of the VET Student Loan that has been used to pay tuition fees for the student for the approved course or the part of the course.

STEP 3 – Notifying the student of the Decision

Re-Crediting HELP Balance Procedure

No.	Who	Actions
1.	Administration Officer	Applicants will be notified in writing of the decision within 20 working days of the receipt of the application. This notice of decision will include a statement of the reasons for the decision. The officer will also notify the tuition assurance scheme operator for the student for the course.

STEP 4 – Reconsideration and Review of the Decision

No.	Who	Actions
1.	Student	Where The Heath Arts College Pty Ltd makes a decision NOT to re-credit a student's HELP balance that decision may be subject to review. There is no fee for service for reconsideration or review of decision by The Health Arts College Pty Ltd. There is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal .
2.	Student	If a Student is not satisfied with the decision made by The Heath Arts College Pty Ltd the Student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The Student's application for review must: <ul style="list-style-type: none"> 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
3.	CEO	Applications should be made in writing to the CEO of The Heath Arts College Pty Ltd 1/94 Foster Street, Dandenong, VIC 3175, as the designated Review Officer of any decisions relating to a request for re-crediting of a HELP balance. Note: The Review Officer is impartial to the designated HELP officer responsible for the original decision and was not involved in making the original decision to be reviewed. All review applications need to be sent to ceo@thacollege.edu.au
4.	CEO	The Review Officer will: <ul style="list-style-type: none"> 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
5.	CEO	The Review Officer will then: <ul style="list-style-type: none"> review the information from the original decision and then assess any new evidence provided by the Student provide written notice to the Student of the decision, setting out the reasons for the decision Inform the Student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved.