

# Student Review Procedures for Re-Crediting FEE-HELP Balances

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<b>Policy name</b>	Student Review Procedures for Re-crediting FEE-HELP balances
<b>Policy number</b>	CDD007
<b>Date approved</b>	29 September 2016
<b>Approving body</b>	The Cairnmillar Institute Council
<b>Responsible officer</b>	Executive Director
<b>Implementation officer</b>	The Head of School
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<b>Linked policies</b>	Student Selection, Admission and Enrolment Policy CDD003
<b>Linked forms</b>	

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## Purpose of this policy

The following policy describes the Cairnmillar Institute's (the Institute) procedures for handling the re-crediting of FEE-HELP balances, and the review of associated decisions.

This document covers:

1. Re-crediting of FEE-HELP Balances
2. Review Procedure: FEE-HELP
3. Appeals Procedure: FEE-HELP

### **The following principles apply:**

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

The Institute must consider these applications and agree to such requests if it is satisfied that the student has been unable to complete the requirements of the unit due to special circumstances.

The Institute must refund to the Commonwealth the amount of FEE-HELP paid to the Institute on behalf of the student, if the student's application is successful. The Institute must notify the Department of Education through the HELP Variations File.

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

- the Higher Education Support Act (HESA)
- the HESA Higher Education Guidelines
- the HESA VET Guidelines

## **1. Re-crediting of FEE-HELP Balances**

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

The application to have a student's FEE-HELP re-credited must be made to the Institute in writing by the affected student within 12 months of the withdrawal date or if the student has not withdrawn, within 12 months of the last day of the period of study in which the unit was, or was to be, undertaken.

For this type of consideration to occur, special circumstances need to be:

- Beyond a person's control AND
- Do not make their full impact until on or after the census date for the unit of study in question AND
- Make it impracticable for a person to complete the requirements for the unit of study AND
- The situation must be unusual, uncommon or abnormal to be considered as a special circumstance.

For circumstances to be considered by the Institute to be beyond a person's control, a reasonable person would consider that the affected person was not responsible either directly or indirectly for the circumstances, or as a result of the affected person's actions or inactions,

The Institute needs to be satisfied that the circumstances did not have a full impact on the person until either on or after the census date for a unit of study if the person's circumstances occur:

- Before the census date but worsen after that date; or
- Before the census date, but the full effect or magnitude does not become apparent until on or after that date; or
- On or after the census date.

Special circumstances which would make it impracticable for the student to complete the requirements for the 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
- Course related circumstances: where the Institute has changed the unit it had offered and the person is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or courses.

The Institute may decide that a student is unable to complete the requirements for a unit of study 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 course requirements; or
- complete the required assessable work; or
- sit the required examinations; or
- complete any other course requirements because of their inability to meet the above

A student may apply to the Institute to have their FEE-HELP balance re-credited if he or she withdraws from his or her studies after the census date and/or the student has not completed the requirements for the unit of study.

The student must apply, in writing, within 12 months of the withdrawal date. The student may also apply, in writing, if the student has not withdrawn within 12 months of the last day of the period of study in which the unit was, or was to be, undertaken. The Institute may waive this requirement if the Institute is satisfied that the application could not be made within the specified time limit.

The Institute's Head of School must consider the student's application within 10 working days. Applicants must be notified of the decision within a further 10 working days. The Institute reserves the right to consult with other areas of the Institute as part of the decision process.

If the student's application is successful, the Notice of Decision letter must include:

- the reasons for the decision to re-credit the applicant's FEE- HELP balance;
- the FEE-HELP balance that is to be re-credited and the FEE-HELP debt thereby reduced (if applicable);
- the upfront payment amount that is to be refunded if such a payment has been made;

- contact details for who to contact in order to answer any further questions in relation to the Notice of Decision.

If a student's application is unsuccessful, the Notice of Decision letter must include:

- the reasons for the decision not to refund the paid tuition fees and/or re-credit the applicant's FEE- HELP balance;
- how to submit a valid request for a review of this decision;
- contact details for who to contact in order to answer any further questions in relation to the Notice of Decision

## 2. Review Procedure: FEE-HELP

This procedure covers requests for a review of certain decisions made by the Institute relating to applications by students to re-credit their FEE-HELP balance or Student Learning Entitlement (SLE). Such decisions refer to unsuccessful applications by a student to re-credit their FEE- HELP balance. Review means formal reconsideration of a decision.

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

Where a student is not satisfied with the decision made by the Institute, they may apply for a review of the decision. At the Institute, the review officer is the Executive Director or his or her delegate.

Reviewable decisions include:

- Refusal to re-credit a student's FEE-HELP balance.

If the applicant is not satisfied with the outcome of their request for a re-credit of their FEE-HELP balance, the applicant may appeal, in writing, to the Registrar within 28 days from the date that they first receive notice of the outcome. The request must specify the reasons for seeking the review. The request must be forwarded to the reviewer (the Executive Director or delegate). The review officer reserves the right to consult with other areas of the Institute as part of the review process.

The Institute must acknowledge receipt of an application for review of a reviewable decision in writing, and inform the applicant that they must be advised in writing of a decision within 45 days.

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

### 3. Appeals Procedure: FEE-HELP

If a student's application for review of the decision is unsuccessful, the Notice of Decision letter must include the reasons for the decision not to refund the applicant's paid tuition fees and/or re-credit the applicant's FEE-HELP balance. The notice must also inform the applicant of their right of appeal to the Administrative Appeals Tribunal (AAT) and provide details about contacting the AAT and the approximate costs of making an application.

To contact the Administrative Appeals Tribunal select the state or contact the AAT via email at [aatweb@aat.gov.au](mailto:aatweb@aat.gov.au). Information on the cost of lodging an appeal with the AAT is provided on the Tribunals website at <http://www.aat.gov.au/FormsAndFees/Fees.htm>