

# VETSL Special Circumstances Review Policy and Procedure

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## 1 Purpose and Scope

This policy and procedure provides a consistent framework for determining circumstances under which a learner may seek remission of a VET Student Loan (VETSL) debt or refund under special consideration. This document is aligned with the *VET Student Loans Act 2016* and the *VET Student Loans Rules 2016*.

This policy applies to:

- a. Cases of special circumstances where a learner, for reasons beyond their control, seeks to withdraw without penalty because they are unable to continue with their studies
- b. Learners intending to apply for special circumstances
- c. AIE Administration Officers who receive and process withdrawal applications or emails/calls requesting remission of fees
- d. Heads and Deputy Heads of Schools
- e. The Compliance team
- f. The Chief Executive Officer.

## 2 The Policy

AIE ensures that learners who meet the criteria for VETSL special circumstances debt remission, and who apply for such remission, receive a fair and non-discriminatory review.

AIE will keep accurate records of all VETSL special circumstances debt remission applications and notify all relevant stakeholders throughout the process within stipulated timeframes. If the learner is unsatisfied with the outcome of their application, AIE also provides for a review of VETSL special circumstances debt remission.

## 3 Implementation

The Board of Directors is responsible for the approval of this policy after it has been drafted or reviewed by the National Compliance Officer.

The policy is to be implemented via induction and training of staff and distribution via the AIE intranet and other publications as required.

## 4 Procedure/s

See the flow chart in [Appendix D](#) for an summary of the review process.

### 4.1 Incurring a VETSL Debt

A learner accessing VETSL who withdraws from a Unit of Study (UOS) on or before a census date will not incur a VETSL debt for that part of the course.

Learners who pass the census date without withdrawing or being cancelled by AIE (because they are considered a genuine learner) will incur a VETSL debt.

A learner who withdraws from a course or a part of a course after the published census date will incur a VETSL debt for that UOS.

## 4.2 Re-Crediting a VETSL Balance

Learners who withdraw from a UOS, after the published census date may apply to have their VETSL balance re-credited for the UOS, if special circumstances apply in accordance with this policy.

Under the *VET Student Loans Act 2016*, Part 6, Section 68(1), a learner's VETSL balance can be re-credited.

AIE must re-credit a learner's VETSL balance if all of the following criteria apply:

- a. The learner applies to AIE in writing for the re-credit
- b. The application is made within 12 months of the applicable census day for the course, or part of the course
- c. AIE is satisfied that the special circumstances prevented or will prevent the learner from completing the requirements for the course, or part of the course.

The amount re-credited must equal the amount of the VETSL used to pay the learner's tuition fees for the course, or part of the course.

There is no charge for consideration or review of decisions, unless a review is requested from the Administrative Appeals Tribunal (AAT).

The Secretary of the Department of Education, Skills and Employment may re-credit a learner's HELP balance in relation to special circumstances if a course provider is unable to act, is being wound up, has been dissolved, or has failed to act and the Secretary is satisfied that the failure is unreasonable.

## 4.3 Special Circumstances Application

A learner may apply for remission of tuition fees due to special circumstances via **ONE** of:

- a. A learner must be fully withdrawing from the course and check the 'I wish to apply for refund/remission of tuition fees due to special circumstances' option on a completed *Withdrawal Form*
- b. A learner must email the relevant AIE campus within 12 months of the applicable census day for the course requesting to apply for remission of tuition fees due to special circumstances, stating the relevant qualification.
- c. A learner may apply to the Secretary within 5 years of the applicable census day for the course, for their FEE-HELP balance to be re-credited under section 71 of the Act because:
  - I. The provider, or a person acting on the providers behalf, engaged in unacceptable conduct in relation to the students application for the VET Student Loan; or
  - II. The provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the learner

If a learner phones the relevant AIE campus to apply, they must be directed to put the request in writing to the main campus email address.

Learner's supporting evidence need not be added to the initial request to maintain privacy.

AIE has 30 days to reach a decision regarding remission of tuition fees due to special circumstances.

### 4.3.1 Special Circumstances Criteria

Under the *VET Student Loans Act 2016*, Part 6, Section 68(3), AIE must be satisfied that the circumstances stated by the learner meet the following 3-part definition of ‘special circumstances’:

- a. The circumstances are beyond the person’s control
- b. The circumstances do not make their full impact on the person until on or after the census date for the course, or part of the course
- c. The circumstances make it impracticable for the person to complete the requirements for the course, during the student’s enrolment in the course, or part of the course.

AIE will determine where special circumstances have made it impracticable for the learner to complete the course, or part of the course because of, but not limited to:

- d. Medical reasons
- e. Family/personal reasons
- f. Employment-related reasons.

In considering these circumstances, AIE will consider whether the learner could meet course requirements through:

- g. Private study
- h. Attending training sessions and other activities
- i. Engaging online
- j. Completion of assessments, or demonstration of competencies.

Special circumstances **DO NOT** apply to:

- k. A lack of knowledge or understanding of VETSL requirements under the scheme
- l. A normal change in work arrangements, such as a change of shift or taking holidays
- m. A person’s incapacity to repay a VETSL debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances
- n. A person who has successfully completed the course.

## 4.4 Notifying Relevant Parties

The Head of School is to be notified via any method as soon as practicable (maximum 1 business day) after an application is received.

The learner is to be emailed the ‘Remission of Fees’ email template ([Appendix A](#)) with the attachment ‘Supporting documentation guidelines’ ([Appendix B](#)) within 2 business days by the Head of School, or approved delegate, via the Student Management System (SMS).

When the learner has provided all supporting documentation, the Head of School is to notify the CEO, COO and National Compliance Officer, and directed to the evidence folder along with the Head of School recommendation.

The learner is to be emailed the outcome of the application by the Head of School via the SMS within 30 days of the application, with the outcome and reasons for or against clearly noted.

The Accounts team, Campus Administration and the National Administration Coordinator will be emailed the learner details, refund amount and relevant Units of Study when the CEO approves a re-credit of fees. If a learner contribution payment is being refunded, bank account details are required as per the *Domestic Learner Tuition Fee Refund Policy and Procedure*.

If a learner seeks a review, the Head of School must email the CEO, COO and National Compliance Officer.

#### 4.5 Receipt of Supporting Documentation

The learner has up to 20 business days from receipt of the 'Remission of Fees' email to supply all supporting evidence via email as scanned attachments, or originals delivered to the Head of School for scanning.

If evidence is not received within 20 days, then the request will be denied due to no evidence. If the learner still wishes to pursue a remission of fees in the future, a new request will need to be completed and the 30-day period for assessment is reset.

Evidence and statements supplied may be investigated further to confirm authenticity and/or to clarify anything that may be unclear. Where untrue or false documents have been submitted, the special circumstances application is automatically denied.

#### 4.6 Record Keeping

The following is to be recorded in the learner's training record on the SMS:

- a. All special circumstances requests
- b. The official letter sent to the learner with the outcome of the request
- c. Any replies to special circumstance responses, including indication of a review.

The following is to be recorded in an evidence folder specifically set up for the learner on **AIE compliance drive > Special Circumstances**:

- d. All internal evidence collected to review the request
- e. All supporting evidence supplied by the learner
- f. Any internal documents or emails that show the process of determining the decision
- g. A copy of the outcome letter.

#### 4.7 Assessment

The Head of School will assess the application and evidence to determine whether the student meets the special circumstances requirements for a full or partial fee refund. All evidence and discussions used to determine an outcome must be documented as per the section above on record keeping. A checklist of recommended internal evidence to be collected for CEO, COO and National Compliance Officer review is in [Appendix C](#).

If the Head of School determines the evidence supports a refund, the CEO, COO and National Compliance Officer need to be notified for final approval before the learner is notified of the outcome.

The outcome of the application will be provided in writing to the learner. Where approved, relevant parties within AIE need to be notified.

All notifications should be in accordance with the section above on notifying relevant parties.

#### 4.8 Decision

The learner must be advised of the decision relating to re-crediting VETSL debts due to special circumstances within 30 days of their application, in writing. This written notification must be in accordance with the section above on notifying relevant parties.

## 4.9 Review of a Decision

Where the learner disagrees with the decision made, they can request a review. This request must be emailed to the campus or Head of School with 28 calendar days of receiving the original outcome and the Head of School must be alerted as soon as practicable.

When a request for review is received, the Head of School will notify the CEO, COO and National Compliance Officer, recording all documentation. This must be in accordance with the sections above on notifying relevant parties and record keeping.

Any learner who submits falsified evidence is not able to use the review process.

If the learner requests an appeal to the decision within the 28 calendar days, the CEO will:

- a. Reconsider the decision and action **ONE** of the following:
  - I. Confirm the decision
  - II. Vary the decision
  - III. Set the decision aside and substitute a new decision
- b. Notify the learner of the outcome in writing within 28 calendar days, outlining the reasons for the decision and the day it takes effect.
- c. Advise the learner of their right to apply to the [Administrative Appeals Tribunal \(AAT\)](#) for a Review of Decision ([fees apply](#)) and provide the contact details.

Aside from AAT costs, there is no cost to the learner from AIE for a reconsideration or review of a decision.

If the learner requests an appeal beyond the 28 calendar day timeframe, the CEO will decide whether to grant an extension by reviewing any information received. An explanation should be provided as to why the appeal was not lodged within the timeframe.

If the CEO decides not to grant an extension, the learner will be advised in writing including reasons why.

## 5 Definitions

### **Learning Management System (LMS)**

An online system that presents training material to learners and hosts assessment activities. AIE uses Canvas as its LMS.

### **Special Circumstances**

Any circumstance that is beyond the learner's control, does not make its full impact on the learner until on or after the census date for the course/part of the course, and makes it impractical for the learner to complete the requirements of the course/part of the course.

### **Student Management System (SMS)**

Software system that manages the administrative and data reporting functionality of RTO operations.

### **Unit of Study (UOS)**

A period of study that equates to a fee period for the purposes of VSL. It may comprise of a single or a group of units of competency.

### **VET Student Loans (VETSL)**

Australian Government issued loans program whereby eligible learners in approved courses are able to access a loan to fund part of their course tuition fees. The learner incurs a VETSL debt that they are required to pay back through the taxation system when their income reaches a certain threshold.

## **6 Related Documents**

**The following internal documents are related to this policy:**

- a. Access and Equity Policy and Procedure
- b. Domestic Learner Tuition Fee Refund Policy and Procedure
- c. Domestic Student Complaints and Appeals Policy and Procedure
- d. Learner Handbook
- e. Learner Withdrawal Policy and Procedure
- f. Withdrawal Form.

**The following legislation and standards are related to this policy:**

- g. Vet Student Loans Act 2016 (Cth)
- h. Vet Student Loans Rules 2016 (Cth).

## **7 Review**

This policy will be reviewed annually by the National Compliance Officer.

## 8 Revision History

Version No.	Version Description	Contributor(s)	Approval Authority	Date Revised/ Approved
1.0	Revision of current policy and process to generate new document; reviewed and approved by the Compliance team.	<b>Lea Michael</b> (Head of School, Canberra & Online)	BOD	31 January 2022
2.0	Policy revised to include legislative requirements.	<b>Linda Burrows</b> (National Compliance Officer) <b>Charlotte Pichelmann</b> (National Compliance Administration Support)	COO	13 April 2022

## Appendix A: Email Template to Learner Upon Application

Dear <Learner Full Name>,

Your application for re-credit of fees and/or VET Student Loan has been received and will be actioned by the Head of School for your campus. An email sent through the Student Management System will notify you of the outcome within 30 days of this email being sent.

Any supporting documentation you wish to supply to support your request needs to be received by the Head of School within 20 days from receipt of this email. Supporting evidence can be scanned and emailed direct to the Head of School via <insert email> or delivered in person.

If supporting documentation is not received within 20 days, the request will be denied due to no supporting evidence. If you wish to pursue a remission of fees in the future with supporting documentation and within the appropriate timelines, then a new request will need to be completed.

Please refer to the attachment *Supporting Documentation Guidelines* when organising supporting documentation.

Under the *VET Student Loans Act 2016*, Part 6, Section 68(3), AIE must be satisfied that **ALL** of the following special circumstances criteria apply to you:

- The special circumstance is beyond the your control
- The special circumstance does not make its full impact on you until on or after the census date for the course, or part of the course
- The special circumstance makes it impracticable for you to complete the requirements for your course during the your enrolment in the course, or part of the course.

AIE will determine where special circumstances have made it impracticable for you to complete the course, or part of the course, because of, but not limited to:

- Medical reasons
- Family/personal reasons
- Employment-related reasons.

In considering these circumstances AIE will consider whether you could meet course requirements through:

- Private study
- Attending training sessions and other activities
- Engaging online
- Completion of assessments, or demonstration of competencies.

Special circumstances DO NOT apply to:

- A lack of knowledge or understanding of VET Student Loan requirements under the scheme
- A normal change in work arrangements such as a change of shift or taking holidays
- A person's incapacity to repay a VETSL debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances
- A person who has successfully completed the course..

Evidence and statements supplied may be investigated further to confirm authenticity and/or to clarify anything that may be unclear. Where untrue or false documents have been submitted, the special circumstances application will automatically be denied.

Should you decide that you wish to cancel this application, please email the Head of School.

## Appendix B: Supporting Documentation Guidelines

A learner must provide original, independent documentation as part of any application due to special circumstances.

The documentation must clearly indicate the following:

- The level of impact of the special circumstances
- What the special circumstances were
- When they occurred
- How long they lasted
- That the circumstances made their full impact on the learner on, or after, the census date.

### Medical Reasons

Where the severity of a medical condition results in a learner being unable to continue studying. Supporting documentation must include a statement from an appropriate health care practitioner that states:

- The date the medical condition began
- How the condition affected the learner's ability to study
- When it became apparent the learner could not continue their studies.

**Note:** The learner should inform their doctor that the statement will be sent to the AIE in support of the application for a refund/remission/waiver under special circumstances.

### Family/Personal Reasons

Due to unforeseen personal/family reasons that occur or worsen after the last date to withdraw without penalty and that are beyond the learner's control, resulting in the inability to continue with studies.

Supporting documentation must include a statement from a doctor, counsellor, or independent member of the community, for example, a Justice of the Peace or a Minister of Religion, stating:

- The date family/personal circumstances began or changed
- How these circumstances affected the learner's ability to study
- When it became apparent the learner could not continue their studies.

### Employment-Related Reasons

After the last date to withdraw without penalty, the learner's employment status or arrangements change unexpectedly due to circumstances beyond the student's control, resulting in the inability to continue with studies.

Supporting documentation must include a statement from the student's employer stating:

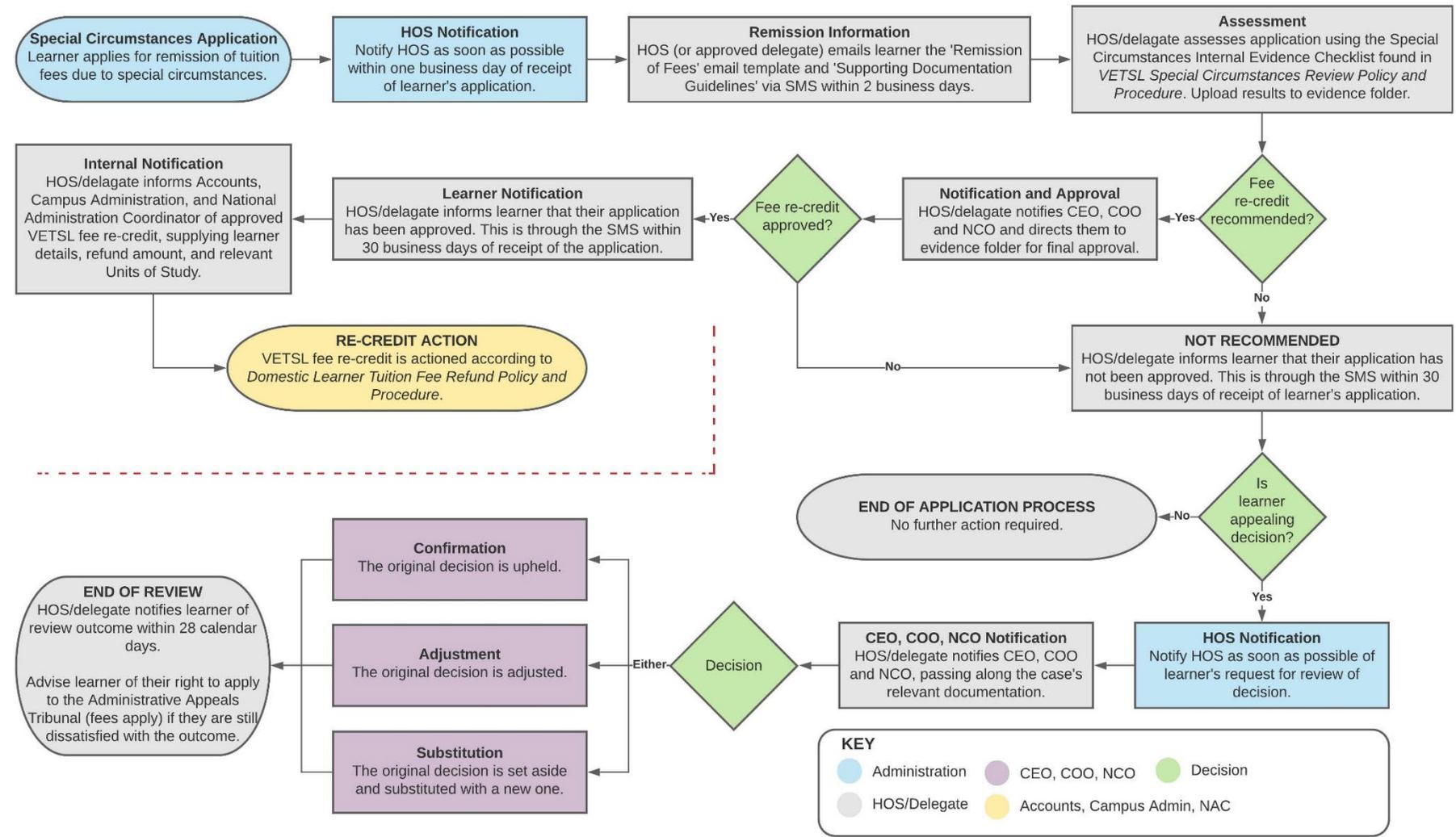
- Previous work hours and location
- Current work hours and location
- The reason for changed hours and/or location.

## Appendix C: Special Circumstances Internal Evidence Checklist (Internal Use Only)

aXcelerate	
<input type="checkbox"/>	What Units of Competency has the learner passed and which are outstanding?
<input type="checkbox"/>	How do these units of competency group as subjects?
<input type="checkbox"/>	What was the learner's attendance rate for the month prior to the census date?
<input type="checkbox"/>	What was the learner's attendance rate after the census date up until withdrawal?
<input type="checkbox"/>	What notable events have happened for the learner leading up to withdrawal?
<input type="checkbox"/>	Has the learner changed to part time or swapped campuses?
<input type="checkbox"/>	Has the learner communicated with the Head or Deputy Head of School about changes to circumstances leading before or after the census date?
<input type="checkbox"/>	Has the learner indicated they would like to return to studies at a future date and under what circumstances?
<input type="checkbox"/>	On their enrolment form, has the learner indicated any illness or disability and if so, did they indicate if/how they would need support? Has AIE provided that support?
<input type="checkbox"/>	Has the learner completed all progressions required?
<input type="checkbox"/>	Reference emails and/or notes and their dates in the evidence for easy lookup.
Canvas Access	
<input type="checkbox"/>	What was the learner's access frequency for the month prior to census date?
<input type="checkbox"/>	What was the learner's access frequency for the time after census date up until withdrawal?
<input type="checkbox"/>	What course pages did the learner access?

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## Appendix D: VETSL Special Circumstances Review Flow Chart



[^ Return to Section 4.](#)