Rhodes Business School

Policy Name:	**Student Attendance**
Document Number:	SS 7.3.01
Approved by:	Academic Director
Last Approval Date:	April 2022
Review Date:	April 2024
Audience:	NIET GROUP (Rhodes Business School) Staff and Students
Contact Officer:	Academic Coordinator
Related Documents:	Records Management
	Attendance Recording & Management
	Student Code of Conduct
	Enrolment Terms
	Letter of Offer/Agreements
Legislation:	National Code of Practice 2018
	Education (Accreditation of Non-State Schools) Act 2017
	Education Services for Overseas Students Act 2000
	Education (General Provisions) Act 2006

Section 1 - Application

The *Education Services for Overseas Students Act 2000* (ESOS Act) and related legislation are designed to protect the interests of overseas students coming to Australia on student visas. The legislation aims to protect and enhance Australia's reputation for quality education, to provide tuition protection and support the integrity of the student visa programme.

The school must not knowingly enrol an overseas student seeking to transfer from another registered provider's course until after the first six months of the first registered school sector course, except where 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.

To ensure that this Policy is publicly available to staff and overseas students, we provide this Policy on our public website.

Section 2 - Policy Statement

The School will not enrol an overseas student seeking to transfer from another registered provider except in circumstances that meet the exceptions under Standard 7.1 of the National Code.

POLICY

Rhodes Business School

Section 3 – Procedures

Student Transfer Request

In accordance, with the requirement under Standard 7.2.4 that requires the school to set a reasonable timeframe for assessing overseas student's requests, the school will respond to the overseas student's transfer request within 10 business days of the overseas student lodging a written request.

Students and parents can request a copy of the Notification of Withdrawal / Transfer online form from the international office.

The school will only grant a transfer request after the overseas student has completed the first six months of their first registered course unless an exception in Standard 7.1 applies.

Requests for transfer to another registered provider must:
- be in writing (can be by email); and
- provide a valid enrolment offer from another registered provider.

One of the grounds on which the school may agree to an overseas student's release under Standard 7.1 is if the transfer is in the student's best interests:
- as determined by the school itself after six months; or
- as determined by the government sponsor of the student before six months

Circumstances in which a transfer is in the overseas student's best interests, include but are not limited to where the school has assessed that:

- the overseas student will be reported because they are unable to achieve satisfactory courseprogress at the level they are studying, even after engaging with the school's intervention strategy, as outlined in our Academic Support Policy and Academic Support (ELICOS) Policy
- there is evidence of compassionate or compelling circumstances
- the school has, or will, fail to deliver the course as outlined in the written agreement
- there is evidence that the overseas student's reasonable expectations about their current courseare not being met
- there is evidence that the overseas student was misled by the school or an education or migration agent regarding the school or its course and the course is therefore unsuitable to theirneeds and/or study objectives
- an appeal (internal or external) on another matter results in a decision or recommendation torelease the overseas student.

Transfer of an Overseas Student Under 18

Standard 7.3 requires that if the overseas student is under 18 years of age:

- the school must have written confirmation that the overseas student's parent/guardian supportsthe transfer
- where the overseas student is not being cared for in Australia by a parent or a suitable nominated relative, the receiving provider must confirm it accepts the responsibility for approvingthe student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students). For more information, refer to our Younger Overseas Students Policy.

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The school ensures that we meet these requirements. It is the responsibility of the receiving provider toensure that there are no gaps in the overseas student's welfare arrangements.

Compassionate or Compelling Circumstances

Compassionate or compelling circumstances are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These include, but are not limited to:

- serious illness or injury, where a medical certificate states that the overseas student was unableto attend classes
- bereavement of close family members such as parents or grandparents – (where possible a death certificate should be provided)
- major political upheaval or natural disaster in the home country requiring emergency travel andthis has impacted on the overseas student's studies
- a traumatic experience, which could include:
  - involvement in, or witnessing of a serious incident
  - witnessing or being the victim of a serious crime, and this has impacted on the overseasstudent (these cases should be supported by police or psychologists' reports)
- where the school was unable to offer a pre-requisite unit and therefore faces a shortage ofrelevant units for which they are eligible to enrol.

When determining whether compassionate or compelling circumstances exist the school may require thestudent to provide documentary evidence to support a claim.

Refusal of Transfer

The school will refuse a transfer request where we believe it is reasonable to do so. Reasonable grounds include:

- the overseas student is not genuinely engaging with an intervention strategy with the intention offailing and being released
- the student wants to live somewhere else.

When the School intends to refuse a request, the school will inform the overseas student in writing (can be by email) of:

- the reasons for refusal; and
- the overseas student's right to access the school complaints and appeals process, outlined in our Overseas Students Complaints Handling Policy and Overseas Students Complaints Appeals Policy, within 20 working days of the decision being made.

Standard 7.6 requires that the school must not finalise the overseas student's refusal status in PRISMS until any appeal finds in favour of the school, or the overseas student has chosen not to access the complaints and appeals process within the 20-working day period, or the overseas student withdraws from the process.

The school will only finalise the overseas student's refusal status in PRISMS when:

- any appeal finds in favour of the school.

- the overseas student has chosen not to access the complaints and appeals process within the 20 work day period or:
- the overseas student withdraws from the process.

Granting Release

If a release is granted by the school, it will be at no cost to the overseas student and the school will advise the student of the relevant details to contact the Department of Home Affairs to seek advice onwhether a new student visa is required.

Version History				
Review Period:	2 years from date of last approval			
Version Number:	**Approved by:**	**Approval Date:**	**Effective Date:**	**Sections Modified:**
D1				New policy developed April 2022
1.0	Rhodes Business School Management Team	May 2022	May 2022	New policy approved