

014-PP-MGS.

Deferring, Suspending and Cancelling International Student Enrolments

1. Purpose and scope

This policy looks at:

- deferment of enrolment, where a student's start date changes AFTER they have accepted an offer of enrolment
- suspension of enrolment, where a student temporarily stops studying at MGS
- cancellation of enrolment, where a student permanently stops studying at MGS

These may occur due to 'compassionate or compelling circumstances', student misbehaviour or students dropping withdrawing from their course. This document applies to both local and international students, except that for local student, steps involving changes to eCoEs and reporting through PRISMS don't apply.

It deals with the requirements of:

- National Code Standard 9 / NESA Guidelines, Requirement 3.12: Monitoring attendance

Several reasons for deferral, suspension and cancellation of enrolment are dealt with in other policies; please also refer to them as appropriate:

- 004-Student Discipline and Misconduct Policy
- 052-Student Support Services
- 070-Application/Enrolment Procedure
- 096-Attendance Policy
- 099-Transfer between providers
- 163-Non-payment Policy

Any refunds are dealt with in 009-Refund Policy and Procedure

Students may appeal suspensions and cancellations of enrolment by accessing 003-Student Complaints and Appeals Policy.

2. Responsibility

The PEO/Headmaster has final responsibility for decisions regarding deferments, suspensions and cancellations of enrolments.

3. Overview

Before the student has accepted an offer of enrolment, the student's start date may be changed freely.

After that, for both local and international students, deferments and suspensions of enrolment may ONLY occur in the case of compassionate or compelling circumstances as determined by

the PEO/Headmaster (see below) or of student misbehaviour (see 004-Student Discipline and Misconduct Policy). It's important to note that enrolments may only be cancelled on the grounds of student misbehaviour if the student was informed before enrolment that this was possible (see 015-Marketing Material and National Code Standard 1).

Cancellations may occur for the same reasons, but may also occur because a student chooses to transfer to another provider or finish their studies early in accordance with 099-Transfer between providers. Cancellations for non-payment of course fees may also occur.

Deferments and suspensions of enrolment may or may not need to be notified through PRISMS – guidance is provided below. Cancellations of enrolment always need to be notified through PRISMS. Notification through PRISMS may lead to visa cancellation; students must be counselled about this possibility at an early stage.

4. Informing Parents and Legal Guardians

It is essential that parents/legal guardians are informed at an early stage of any identified risk of cancellation of student enrolment. Examples could include a pattern of behaviour that, if continued, may lead to suspension or expulsion. The PEO/Headmaster is responsible for ensuring that as soon as this risk is identified, parents/legal guardians will be informed as a priority. At the same time, any homestay and/or in-Australia welfare guardian will also be informed.

5. Compassionate or Compelling Circumstances: Definition and Policy

There may be a legitimate reason for student absence. These 'compassionate or compelling circumstances' are the same as in 096-Attendance, and include:

- serious illness or accident, sufficient to prevent study for an extended period of time;
- death of a close family member such as a parent or grandparent, or other person the student is close to;
- natural disaster, war or major political upheaval in the home country requiring emergency travel or causing stress that impacts on studies;
- a traumatic experience, such as being a victim of crime or witnessing a serious accident, which has affected the student's ability to study;
- a delay in receiving the student visa, causing a delay to the student's course commencement date; or
- inability of MGS to offer a pre-requisite course.

For other circumstances to be considered as compassionate or compelling, evidence would need to be provided to show that they were having or are expected to have an impact on the student's progress through a course. Compassionate or compelling circumstances are generally beyond the control of the student.

Circumstances that do not qualify as being compassionate or compelling include:

- attendance at social functions (such as weddings or other celebrations)
- making arrangements for accommodation, travel or similar

The National Code (Standard 13) requires that such circumstances must be documented if they are to be taken into account when deciding whether to report students. It is MGS's policy to do this also for domestic students. Documentation could include:

- Medical notes, signed by a doctor, indicating that the student shouldn't attend MGS;

- Letters from relatives (with certified translation if not in English) verifying a traumatic event has happened in the family (this may be difficult to obtain and appropriate flexibility and sensitivity should be maintained while bearing in mind that this is a National Code requirement, not an MGS requirement);
- News reports of natural disaster, correlated with prior information about the student's home country address;
- Police reports; and
- Psychologist's report

All documentation, including of the decision making process, must be kept in the student's file.

Compelling and Compassionate Circumstances can only apply if the student agrees.

Under compassionate or compelling circumstances, both MGS and the federal education department prefer suspension of enrolment to cancellation, though decisions will depend on the unique circumstances of each case and the wishes of the student and their parents/legal guardians.

If the student wants to change their start date due to compassionate or compelling circumstances and MGS agrees to this change, the PEO/Headmaster will decide whether the end date is affected. If the end date is not affected, there is no need to formally defer commencement through PRISMS. However, if the end date is affected, notification through PRISMS is required – see below for the process. Cancellations of enrolment must always be notified through PRISMS.

6. **Procedure for deciding whether compassionate or compelling circumstances apply**

1. This process may be triggered by a range of circumstances, including for example:
 - a request from the student;
 - welfare counselling;
 - a critical incident; or
 - a serious incident occurring between the eCoE being issued and the commencement of the student's studies.
2. The student must be told that any change to enrolment status may affect his or her student visa, and where possible should be advised to contact the immigration department for further information. Note that if the suspension period is long, the immigration department may require the student to return to their own country during the period. Suspension for more than six months will usually result in cancellation of the student's visa, and he or she will have to re-apply for a new visa.
3. The PEO/Headmaster will ask for the evidence to be gathered, and also request input from other staff members such as teachers, the Student Services Officer or the Director of Welfare and Operations or the Director of Curriculum and Compliance, as appropriate. Confirmation in writing that the student agrees that compassionate or compelling circumstances should also be obtained.
4. Generally, deferrals and suspensions should not be applied retrospectively, i.e. compassionate or compelling circumstances should be assessed before advising of a deferral or suspension through PRISMS. The exception is when 'unusual circumstances' apply. The decision as to whether circumstances are sufficiently 'unusual' will be made by

the PEO/Headmaster, but some examples provided in the National Code Explanatory Guide that may be used as a guide are:

- a student is involved in a car accident on holiday or shortly before their first day of studies at MGS, is subsequently unable to contact MGS, and does not turn up at the beginning of their course
 - a student has to return to their home country at short notice for urgent medical attention without a chance to advise MGS first
5. After consideration of the evidence on its merits, the PEO/Headmaster will use his/her professional judgement to make a decision. Generally, this will be within seven working days of the request, though in urgent situation this may be much faster, and in other situations extension to this timescale may be necessary in order to receive the necessary documentary evidence.
6. A written record of the decision, together with the evidence used to make that decision, is placed in the student's file.

7. Student Misconduct Warranting Suspension or Cancellation of Enrolment

For the procedure for dealing with student misconduct, see 004-Student Discipline and Misconduct Policy. Outcomes of the disciplinary process that are relevant to this document may include:

- suspension (exclusion from lessons) of up to 20 days; or
- expulsion of the student and cancellation of the student's enrolment.

As suspensions are limited to a maximum of 20 days, for high school students they will not by themselves cause a change of eCoE end date, so generally there is no need to report them through PRISMS. However, for ELICOS students, a suspension may cause the end date to change, in which case the Procedure for Processing Deferment etc section below should be followed, including the 20 working days appeal period before the suspension can take place.

It should be noted that suspension does not affect the school's responsibility for care and welfare arrangements where a CAAW has been issued, nor does it affect other duty of care responsibilities.

See 096-Attendance Policy for what to do regarding recording of attendance during a suspension.

Expulsion leads to cancellation of enrolment, though there is an appeals process to go through first unless extenuating circumstances apply. See the relevant sections below.

8. Extenuating Circumstances That May Waive the Appeals Period

Normally, students who are suspended or who have their enrolment cancelled for reasons of misbehaviour have a twenty working day period in which to appeal before the suspension or enrolment cancellation takes place. However, in some extenuating circumstances relating to the welfare of the student or of other people, the appeal period is waived and the cancellation of enrolment can take place straight away. International students should be warned that they then have 28 days to enrol in another course or to leave Australia in order to avoid a breach of visa conditions.

Extenuating circumstances mean only that MGS is no longer obliged to maintain the student's enrolment during a 20 working day appeals period. The student may still appeal the expulsion decision.

These circumstances, as expressed in the Explanatory Guide to National Code Standard 9, are:

- the student is under 18 and refuses to maintain approved care arrangements
- is missing
- has medical concerns, severe depression or psychological issues which leads MGS to fear for the student's wellbeing;
- has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- is at risk of committing a criminal offence.

Appropriate evidence, such as witness statements or medical certificates, must be kept in order to substantiate extenuating circumstances.

It is up to the PEO/Headmaster to decide whether extenuating circumstances apply.

International students should also be informed that if they disagree with the decision that extenuating circumstances apply, they should contact the Department of Education through the ESOS helpline on 02 6240 5069.

9. Procedure for Processing Deferment, Suspension or Cancellation of Study Through PRISMS, Including Appeals Periods

1. The procedure is triggered when the PEO/Headmaster has decided that:
 - compassionate or compelling circumstances apply;
 - a disciplinary process had decided on suspension or expulsion; or
 - the Accounts Department has provided sufficient evidence that non-payment of fees has met the criteria for cancellation of enrolment given in the written agreement with the student.
2. Applications, where appropriate, should be made on 400-Defering, Suspending or Cancelling Enrolment Form. It is MGS policy that this form warns students that changes to their enrolment status may affect their student visa; this would usually be in addition to oral advice given at orientation, and during the compassionate or compelling circumstances decision process or the disciplinary process.
3. The PEO/Headmaster makes the final decision as to whether a deferment or suspension may occur. If compassionate or compelling circumstances apply, the student must also agree. Note that there may be cases where a student applies on the basis of compassionate or compelling circumstances, but the PEO/Headmaster decides that they do not apply – see section above.
4. The PEO/Headmaster decides whether a new end-date will apply, and what it is. The final decision will depend on the best interests of the student and reflect the unique circumstances of that student, but these factors may be relevant:

- If it's unrealistic for the student to catch up on the work missed, or to expect the student to do so would put unreasonable demands on the student, then it's better to change the end-date
 - ELICOS students have some flexibility in course duration, and there may be opportunity for additional lessons in the school holiday period before the high school commencement date; however, a significant amount of time out will mean the student is unlikely to reach the required level of English language proficiency in time to start high school, and deferral until before the next high school intake may be appropriate
 - High school students have less flexibility; as intakes occur only at the beginning of the school year, then where possible the student should be given work to complete during the suspension period. The same guidelines as for local students whose studies are interrupted by illness and accidents should be applied to international students, with regard to legislation relating to compulsory education.
5. Appropriate records of the decision-making process, including the student's signed agreement with the suspension or cancellation of enrolment (where relevant), and the reasons (with documentary evidence) for the decision are recorded.
6. The SSO informs the student in writing of the deferment, suspension or cancellation. If the suspension or cancellation was due to student misconduct and extenuating circumstances relating to the welfare of the student (see "Extenuating circumstances that may waive the appeals period" above) don't apply, the letter should:
- address the student by name, and include the student's address;
 - state the reason and dates of the suspension or cancellation;
 - inform the student that they are able to appeal against the suspension by following the school's Complaints and Appeals Policy, within a 20 working days period commencing three days from the date of the notice; the date at which this period begins should be stated on letter; and
 - be handed to the student in person or sent through the post (optionally, a pdf of the letter may be emailed to the student, but even where that happens, the 20 working day appeals period may only start from the date the student is expected to receive the hard copy).

If extenuating circumstances do apply, the letter should mention the same points except that the mention of the appeals period should be replaced with an explanation of why this decision was reached and its implications, together with the information that if the (international) student disagrees with the extenuating circumstances decision, they may contact the NSW Department of Education through the ESOS helpline on 02 6240 5069.

7. Notification is made through PRISMS by the Admissions Officer on the authority of the PEO/Headmaster, as determined below. The information is then passed on to the Department of Home Affairs as well as the federal education department.
- If a suspension results in a new end date, a new eCoE is issued. In some cases, such as an illness of indeterminate duration, an indefinite suspension of enrolment may be appropriate, in which case the school can wait until new course dates have been decided in consultation with the student.
 - Periods of suspension of enrolment can be whole weeks but not parts of weeks.

- The notification through PRISMS needs to be made before the change takes effect, unless there are “unusual circumstances” making this impossible, such as the reason for the suspension of studies being an accident.
 - In the case of student misconduct, the notification should NOT occur during any notice period that allows for internal appeals, NOR if an internal appeal is in progress, UNLESS extenuating circumstances apply – see the section on extenuating circumstances above. The student must continue to attend classes and be subject to both 096-Attendance Policy and 124-Course Progress during the appeals notice period and for the duration of any appeal. If the student decides not to access the appeals process, MGS should still wait until the appeals period has expired, in case the student changes his/ her mind.
 - If an appeal is rejected, the student may make a further appeal to an external body. However, MGS does not have to wait for the outcome of the external appeal before notifying through PRISMS (it’s then up to the student to notify the immigration department of any external appeal; the department will take this into account when deciding whether to cancel the visa).
 - As much information as possible, e.g. of the compassionate or compelling circumstances, or of any criminal behaviour that led to expulsion, should be entered into PRISMS; this will enable the immigration department to make an informed decision without having to request further information from MGS or the student.
8. The student is given written confirmation of the change to enrolment, including the relevant dates (where the end date of a suspension is not known, the letter must explain what the student needs to do to resume enrolment). In the case of cancellation of enrolment, the student should also be warned again that they will have 28 days to enrol with another provider to avoid a breach of the student visa requirement to maintain enrolment in a registered course.
9. Attendance will not be taken or calculated during a period of suspension / deferment.
10. Any refunds should be paid as determined under 009-Refunds Policy and Procedure.
11. Where MGS approves the student’s care and accommodation arrangements (i.e. where a CAAW has been issued for the student), MGS continues to be responsible for these arrangements until the student leaves the country, enrolls with another provider who takes over those arrangements, or MGS notifies through PRISMS that it no longer approves of those care arrangements under policy 080-Younger Overseas Students. If MGS suspects the student has not left Australia as required, MGS will inform the Sydney office of the immigration department directly (not through PRISMS). If the student leaves Australia after leaving MGS and then returns to Australia, MGS is *NOT* then responsible for care arrangements.

10. Voluntary Withdrawal From Course: No Compassionate or Compelling Circumstances

Students may withdraw **permanently** from their course for reasons other than compassionate or compelling circumstances at the request of their parent or legal guardian (not temporary, Australia-only guardian) – or at their own instigation if 18 or over. Signed parental/legal guardian consent is required in writing before an under-18 student can withdraw.

Students withdrawing early should be advised about the educational consequences of withdrawing, and that withdrawing may lead to the cancellation of their student visa – they may need to contact the Department of Home Affairs for advice. If they are considering applying to another provider in Australia, the aspects of 099-Transfer between providers that are relevant to them should be explained to them. Counselling may be appropriate, especially if the reason

for withdrawal might be welfare-related; counselling may lead to a solution to the issue that is causing the desire to withdraw. This should at all times be balanced with the student and their parent's/legal guardian's rights as consumers to choose their educational institution.

Voluntary withdrawal should be reported in PRISMS by the Admissions Officer after being authorised by the PEO/Headmaster. This will lead to the student's eCoE status being set to 'cancelled'. Under the National Code there is no need to send a Notice of Intention to Report or allow a period for appeals if the student withdraws voluntarily.

11. Early Return from Suspension of Enrolment

Where compassionate or compelling circumstances apply, it would not be unusual for a student to return to their studies earlier than expected.

If the suspension of enrolment has not caused a change to the end date on the eCoE, the eCoE will not have been cancelled, and therefore the new enrolment dates can be entered in PRISMS without complication.

Otherwise, a new eCoE may be necessary to accommodate the new date of return and potentially also a new end date. This should be done only after due consideration by the PEO/Headmaster about how the student's studies will be affected, and any implications for the student's enrolment, such as whether there's need to repeat part of a school year and if so, whether this is in the best interests of the student.

The Student Services Officer will also check that appropriate welfare arrangements are in place for the student's return, if the student is under 18 – see 080 Younger Overseas Students.

If the student has left Australia while their enrolment is suspended, MGS will contact the immigration department about the new return date and provide the student with a letter making clear that MGS is happy for the student to start on the date decided. The student should carry this letter when returning to Australia to avoid problems at the port of entry.

12. Students Transferring to Another School

Schools are required under the Australian Government's Schools' Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004 to use the Interstate Student Data Transfer Note (ISDTN) when students enrol from an interstate school. Schools are required to use the ISDTN in accordance with the protocols jointly developed and agreed by the Australian Government, State and Territory Education Authorities, the Independent and Catholic education sectors through the Council of Australian Governments (COAG).

13. Revision history

Review date: 16 Dec 2016

Version	Date	Description of modifications
9	16 Dec 2015	Comprehensive review (note there are two version 7s and no version 8)
9.1	7 Mar 2015	Minor changes for clarity, style.
9.2	27 Mar 2016	Roles and Procedures.
10	22 Mar 2023	Reviewed Roles and Procedures.