



VSL Attachment A - Exemption Conditions

Reasons for imposing conditions on approval

The Federal government imposes condition on the Provider's Approval is to ensure that adequate and appropriate measures are in place to support students and the Commonwealth in the event that the Provider or another approved course provider ceases to provide an approved course at any time after the course starts but before it is completed. This is important to ensure the sustainability of the VET Student Loans program and to allow students to continue their vocational education and training with minimal disruption. Atkinson Childcare College supports the governments initiative to protect students in the VET Sector.

The following conditions are imposed on the Exemption:

1. Cooperation with the Service Provider

1.1 The Provider acknowledges that the Department may itself, or may engage a Service Provider, to perform some or all of the following services **(the tuition assurance management services)** if the Provider ceases to provide a course at any time after it starts but before it is completed:

- (a) attending meetings with students enrolled in an approved course with the Provider after the Provider ceases to provide the approved course, or part of the course, after it starts but before it is completed **(affected students);**
- (b) dealing with enquiries from affected students including organising a telephone service/ call centre where appropriate;
- (c) liaising with each affected student to discuss and assess options for a replacement course;
- (d) liaising with approved course providers to find a replacement course for affected students and organising replacement providers to provide the replacement courses for the students;

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- (e) ensuring it is practical for the affected student to finish the course or an equivalent course having regard to whether the replacement course meets the requirements specified in clause 1.5 of these Exemption Conditions;
- (f) providing the affected student with a replacement tuition offer being an offer of enrolment in a replacement course, or notifying the student that there is no replacement course available;
- (g) providing the affected student with a right to request a review of whether there is a replacement course that meets the requirements specified in clause 1.5;
- (h) where it is impractical for the affected student to finish the course or an equivalent course, notify the Provider that the student's FEE-HELP balance must be re-credited under section 69 of the Act.

1.2 For the purposes of these Exemption Conditions, the Service Provider is the party performing the tuition assurance management services and includes the Department and/or the Service Provider engaged by the Department to perform some or all of these services.

1.3 The Provider is required to cooperate fully with and assist the Service Provider to perform the tuition assurance management services if the Provider has ceased to provide an approved course after it started but before it was completed. The Provider has ceased to provide an approved course after it started but before it was completed if:

(a) the Provider commences providing the course to a student but, before the student completes the course, ceases to provide the course for any reason (other than that the student has withdrawn from the course); or

(b) any of the matters listed in paragraphs 60(1)(a) to (f) of the *VET Student Loans Rules 2016* (Cth) (**Rules**) has occurred.

1.4 The Service Provider may request the Provider to provide information and assistance relevant to the discharge of the Service Provider's role in providing tuition assurance management services (including student information relevant to enrolment and course progression) and the Provider must comply with such a request as soon as is practicable or within such other period specified in these Exemption Conditions.

1.5 Replacement courses must meet the following requirements:

(a) the course must lead to the same or a comparable qualification as the original course;

(c) the mode of the delivery of the replacement course must be the same as or, with the student's consent, similar to the mode of delivery of the original course;

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(d) the location where the replacement course for a student is primarily delivered must be reasonable, having regard to the costs of, and the time required for, the student's travel;

(e) a student who enrolls in a replacement course:

(i) will not incur additional fees that are unreasonable;

(ii) will be able to attend the replacement course without unreasonable impacts on the student's prior commitments; and

(iii) will not incur tuition fees for the part of the replacement course that replaces an affected part of the original course.

2. Notice and information when course ceases

2.1 Within three (3) business days after the Provider ceases to provide the approved course or part of the course, the Provider must give the Service Provider for the parts of the course which an affected student has completed:

- (a) a copy of a statement of attainment or other Australian Qualifications Framework certification documentation issued by the course provider or an authorised issuing organisation in accordance with the Australian Qualifications Framework; or
- (b) a copy of an authenticated VET transcript issued by the Student Identifiers Registrar.

Note to Providers: In addition to the conditions in clause 2.1 above, approved course providers are required to comply with the information requirements specified in the **Rules**. In particular:

- + section 109 which requires providers to notify the Secretary as soon as practicable of any event that is likely to affect the provider's capacity to comply with the Act or the Rules;
- + section 111 which requires providers to give written notice to the Secretary within 24 hours of certain events occurring including when the provider ceases to provide a course (in addition to certain insolvency scenarios). Subsection 111(2) also requires a provider to give the Secretary notice as soon as practicable of the provider intending to cease providing a course after it starts but before it is completed; and
- + section 112 requires providers to give the Secretary certain student-related information within three (3) business days of the provider ceasing to provide an approved course.

2.2 The Provider must perform the following actions after the Provider ceases to provide an approved course after it starts but before it is completed:

- (a) within two (2) days, notify affected students enrolled in the course, in writing, that the course is no longer being provided;
- (b) within seven (7) business days after notifying the students, hold a meeting with the students and the Service Provider at the location where the course was primarily delivered;
- (c) as soon as practicable, update the Provider's website to reflect that the course is no longer being provided and to give information to students about the tuition assurance management services;
- (d) within three (3) business days, give the Service Provider the student enrolment and progression information that is specified under section 112 of the Rules for each affected student.

3. Repayment and re-crediting

3.1 The Provider must:

- (a) re-credit a student's FEE-HELP balance as soon as practicable after receiving written notice from the Service Provider under clause 1.(h) of these Exemption Conditions; and
- (b) notify the Service Provider as soon as practicable after the re-credit has occurred.

Note to Providers: Subsection 69(2) of the Act provides that the amount re-credited must equal the amount of the VET student loan used to pay the tuition fees for the student for the course, or part of the course. Subsection 69(3) requires the Provider to notify the student as soon as practicable following the re-credit. Section 70 of the Act enables the Secretary to re-credit a student's FEE-HELP balance if the Provider is unable to act or is being wound up or has been dissolved or the Provider has failed to act and the Secretary is satisfied that the failure is unreasonable.

3.2 Following the re-crediting of the student's FEE-HELP balance, the Department will invoice the Provider in accordance with subsection 22(1) of the Act for the amount of the student's tuition fees for the course that was covered by a VET student loan, and was remitted through the student's FEE-HELP balance being re-credited.

3.3 The Provider acknowledges that, in absence of reliable and verifiable evidence being provided to the contrary, the Department may rely on student enrolment and course progression data in the Higher Education Information Management System (HEIMS) to determine the parts of a student's course which are eligible for re-crediting.

4. Acceptance of displaced students

4.1 If the Service Provider gives written notice to the Provider that a replacement tuition

offer for a place with the Provider has been made and accepted by a student **{displaced student}** the Provider, acting as a replacement provider, must accept the displaced student unless:

- {a) the displaced student has failed to abide by, or to agree to abide by, the Provider's reasonable policies and procedures {with which the student has been provided); or
- {b) the Provider can establish, to the satisfaction of the Service Provider, that circumstances apply which indicate it is reasonable for the Provider to not accept the student.

4.2 Without limiting the circumstances that may apply for clause 4.1{b), such circumstances may include:

- {a) if placement with the Provider would not be in the best interests of the displaced student; or
- {b) if the Provider has accepted a number of displaced students and it would be unreasonable for the Provider to accept another displaced student having regard to the Provider's capacity and capability.

5. **Obligations as a replacement provider**

5.1 The Provider must ensure, subject to clause 4.1, that the displaced student is enrolled in the replacement course with the Provider as soon as possible.

5.2 The Provider must ensure that a displaced student enrolled in a replacement course with the Provider:

- {a) is granted course credits for parts of the original course successfully completed by the student, as evidenced by:
 - i. a copy of a statement of attainment or other Australian Qualifications Framework certification documentation issued by a course provider or an authorised issuing organisation in accordance with the Australian Qualifications Framework; or
 - ii. a copy of an authenticated VET transcript issued by the Student Identifiers Registrar.
- {b) is not charged tuition fees for a replacement component of the replacement course.

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6. Statement of tuition assurance

6.1 The statement of tuition assurance required to be published by the Provider under section 103 of the Rules must reflect the arrangements described in this Notice. A statement in the form set out in Attachment C to this Notice will satisfy the requirements. When enrolling a student, the Provider must ensure the student is provided with clear information about how to access (on the Provider's website) the statement of tuition assurance.

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