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# **Commonwealth Entitlements Review of Decisions Policy - Version 2.1**

Authorised by:

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# 1 Document Control

Version	Date	Amended by	Changes Made
1.0	01/01/2005	Registrar	Initial document
1.1	18/02/2009	Learning & Academic Services Manager	Updated to reflect VET FEE-HELP Requirements
1.2	01/01/2011	Learning & Academic Services Manager	Minor changes to adjust web references
1.3	30/10/2012	Registrar	Update to new template
2.0	04/01/2022	Registrar	Update to new template, incorporate VSL Act
<b>2.1</b>	<b>28/04/2022</b>	<b>Registrar</b>	<b>Update to include relevant legislation and separate HE and VET sections.</b>

## 2 Purpose

To ensure the policy and principles which apply to the review of Commonwealth entitlement decisions comply with relevant legislation and guidelines.

## 3 Scope

Applies to Box Hill Institute in relation to the review of Commonwealth entitlement decisions for Higher Education Loans Program (HELP).

## 4 Policy Statement

Box Hill Institute will at all times act diligently and ethically in the conduct of such reviews.

Review decisions will be such that relevant legislation and approval by the Commonwealth as a Higher Education Provider and a Vocational Education and Training Provider are not compromised.

Box Hill Institute will ensure fairness for students in the application of the review process.

### **1 HIGHER EDUCATION**

#### **Higher Education – Withdrawals for students with HELP Loans (student initiated)**

Where a student who has requested a HELP Loan formally withdraws from a unit of study on or before the census date, the student will not incur a HELP debt for that unit of study and will be refunded any tuition fees or student contribution paid upfront for that unit of study. For students utilising HECS-HELP, their Student Learning Entitlement (SLE) will also be re-credited.

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Where a student who has requested a HELP Loan formally withdraws from a unit of study after the census date, the student normally will incur a HELP debt for that unit of study. For students utilising HECS-HELP, the student will also normally will consume Student Learning Entitlement (SLE) for that unit of study.

### **Higher Education – Cancellations for students with HELP Loans (Box Hill Institute initiated)**

In all instances, where a higher education qualification offering is cancelled by Box Hill Institute prior to course commencement, the student's HELP loan application is automatically cancelled for the course.

Where a unit of study is cancelled by Box Hill Institute after course commencement and prior to census date, the student's HELP loan application is automatically cancelled in affected unit/s.

Where a unit of study is cancelled by Box Hill Institute after the census date has passed and prior to scheduled unit end date, for students with HELP Loans except where the unit has been replaced by a new version, the student's HELP loan will be reversed for all enrolled and incomplete units at point of unit cancellation. For units already completed prior to unit cancellation HELP loans will not be reversed. Where the unit of study has been replaced by a new version and no refund or HELP Loan cancellation was processed for the enrolled and incomplete original unit/s at point of unit cancellation, enrolment in the replacement unit/s for the course will be at no charge.

### **Higher Education - Units Marked as Withdrawn as Part of the Assessment Process**

No cancellation of HELP Loan applies after census date to enrolled units that are marked as withdrawn outcome by Box Hill Institute as part of the assessment process for a student in a unit, either due to the student's incompleteness of unit requirements by scheduled unit end date, or where the student has stopped attending or participating for two months without formal notification of their withdrawal to Box Hill Institute.

### **Higher Education - Course Withdrawal by Box Hill Institute where student has stopped attending or participating without formal notification of their withdrawal to Box Hill Institute.**

No cancellation of HELP Loan applies after census date for any enrolled units that are marked as withdrawn by Box Hill Institute as part of a course withdrawal/course exit process where the student has stopped attending or participating for at least two months without formal notification of their withdrawal/course exit to Box Hill Institute.

### **Special Circumstances - Higher Education**

For students with a FEE-HELP Loan, under Part 3-3 Division 104-30 of the HESA Act 2003, the student's HELP debt is only removed and the HELP balance re-credited after the census date where Box Hill Institute has agreed to do so due to special circumstances.

For commonwealth supported place (CSP) students with a HECS-HELP loan, under Part 3-1 Division 79 of the HESA Act 2003, the student's SLE balance will only be re-credited where a HECS-HELP debt is removed and remitted after the census date where Box Hill Institute has agreed to do so due to special circumstances.

For **CSP** students with a **HECS-HELP loan, under Part 3-2 Division 97-30 of the HESA Act 2003**, the student's HELP balance will only be re-credited after the census date where Box Hill Institute has agreed to do so due to special circumstances.

For **special circumstances**, Box Hill Institute must be satisfied that special circumstances apply to the student that:

- **are** beyond the person's control; and
- **do** not make their full impact on the person until on, or after, the census date for the unit **of study (unit) in question**; and
- **make** it impracticable for the student to complete the requirements for the unit during the period **during** which the person undertook, or was to undertake, the unit.

**Applications for re-crediting of HELP balances do** not apply to passed units. For HECS-HELP students, SLE balance re-credit does not apply to passed units.

**Applications for re-crediting of HELP balances** due to special circumstances must be made within 12 months of the unit withdrawal date, or within 12 months of the end of the period of study in which the unit was, or was to be, undertaken.

## **2 Vocational Education and Training (VET)**

### **VET Diploma and higher level VET courses – Withdrawals/cancellations for students with HELP Loans (student initiated)**

Where a student who has requested a HELP Loan formally withdraws from a course or part of a course (unit) on or before the census date, the student will not incur a HELP debt for the affected unit/s and will be refunded any tuition fees or student contribution paid upfront for those unit/s.

Where a student who has requested a HELP Loan formally withdraws from a course or part of a course (unit) after the census date, the student normally will incur a HELP debt for the affected unit/s.

### **VET Diploma and higher level VET courses – Cancellations for students with HELP Loans (Box Hill Institute initiated)**

In all instances, where an accredited course/qualification offering is cancelled **by Box Hill Institute prior to course commencement**, the student's HELP loan application is automatically cancelled for the **course**.

Where a course or part of a course (unit) is cancelled by Box Hill Institute after course commencement and **prior to census** date, the student's HELP loan application is automatically cancelled in affected unit/s.

Where a course or part of a course (unit) is cancelled by Box Hill Institute **after the census date has passed** and prior to scheduled unit end date, for students with HELP Loans except where the course has been replaced by a new course version, the student's HELP loan will be reversed for all enrolled and incomplete units at point of course cancellation. For units already completed prior to course cancellation HELP loans will not be reversed. Students will be issued a Statement of Attainment for all units successfully completed up to the point of course cancellation. Where the course has been replaced by a new course version and no refund or HELP Loan cancellation was processed for the enrolled and

incomplete original units at point of course cancellation, enrolment in the replacement units for the course will be at no charge.

### **VET Diploma and higher level VET courses - Units Marked as Withdrawn as Part of the Assessment Process**

No cancellation of HELP Loan applies after census date to enrolled units that are marked with a withdrawn outcome by Box Hill Institute as part of the assessment process for a student in a unit, either due to the student's incompleteness of unit requirements by scheduled unit end date, or where the student has stopped attending or participating for two months without formal notification of their withdrawal to Box Hill Institute.

### **VET Diploma and higher level VET courses - Course Withdrawal by Box Hill Institute where student has stopped attending or participating without formal notification of their withdrawal to Box Hill Institute.**

No cancellation of HELP Loan applies after census date for any enrolled units that are marked as withdrawn by Box Hill Institute as part of a course withdrawal/course exit process where the student has stopped attending or participating for at least two months without formal notification of their withdrawal/course exit to Box Hill Institute.

### **Re-Crediting of HELP Balances under Part 6 of The VET Student Loans Act 2016**

#### **Special Circumstances - VET Diploma and higher level VET courses**

A HELP debt may be removed and remitted **after the census date** where Box Hill Institute has agreed to do so due to special circumstances.

Students can apply to Box Hill Institute to have their HELP balance re-credited under section 68 of the VET Student loans Act 2016.

A student's HELP balance can be re-credited under Division 2 of Part 6 of the VET Student Loans Act 2016, where:

- the student applies to Box Hill Institute in writing for the re-credit (via submission of the relevant form); and
- the application is made within 12 months after the census day for the course, or the part of the course (unit); and
- Box Hill Institute is satisfied that special circumstances prevented, or will prevent, the student from completing the requirements for the course, or the part of the course (unit).

Circumstances are considered **special circumstances** if they:

- are beyond the student's control; and
- do not make their full impact on the student until on, or after, the census day for a course or part of a course (unit); and

- make it impracticable for the student to complete the requirements for the course, or part of the course, during the student's enrolment in the course, or part of the course (unit).

HELP debt removal and remission does not apply to passed units.

### **Re-Credit of HELP Balance by the Secretary - VET Diploma and higher level VET courses**

A student's HELP balance can be re-credited by the Secretary of the department responsible for the administration of VET Student Loans, Commonwealth Department of Education, Skills and Employment (further referred to as the Secretary) under Division 2 of Part 6 of the VET Student Loans Act 2016.

Under Section 70 of the VET Student Loans Act 2016, the Secretary may re-credit a student's HELP balance in accordance with this Division if:

- Box Hill Institute, is unable to act under this Division or is being wound up or has been dissolved; or
- Box Hill Institute has failed to act under this Division and the Secretary is satisfied that the failure is unreasonable.

A student's HELP balance can be re-credited under Division 3 of Part 6 of the VET Student Loans Act 2016.

Under Section 71 of the VET Student Loans Act 2016, a HELP debt may be removed and remitted **after the census date** where the Secretary is satisfied that:

- Box Hill Institute, or a person acting on Box Hill Institute's behalf, engaged in unacceptable conduct in relation to the student's application for the VET student loan; or
- Box Hill Institute has failed to comply with the VET Student Loans Act 2016, or an instrument under the VET Student Loans Act 2016 and the failure has adversely affected the student.

Students can apply to the Secretary to have their HELP balance re-credited under section 71 of the VET Student loans Act 2016.

Applications for re-crediting under Section 71 of the VET Student Loans Act 2016 must be made within 5 years after the census day for the course, or the part of the course, concerned, or within the period as extended by the Secretary.

Re-crediting of HELP Balance and Review of Decisions Procedure is linked below.

## **5 Code of Conduct**

All applicants are must conduct themselves in a manner consistent with the Box Hill Institute Student Code of Conduct.

All employees must conduct themselves in a manner consistent with the Box Hill Institute Staff Code of Conduct.

## 6 Definitions

Term	Definition
BQS	Box Hill Quality Management System
Course	One or more units comprising a course of study, which has a title, and a code in the Student Management System maintained by the Registrar and leads to an award.
CSP	Commonwealth Supported Place
DET	Department of Education and Training (Commonwealth)
FEE-HELP	FEE-HELP assistance via a commonwealth loan for domestic eligible Higher Education students for tuition fees. Governed by the Higher Education Support Act (HESA Act, 2003).
HE	Higher Education (includes Higher Education Diploma courses, and all degree level courses as follows: Undergraduate Certificate, Associate Degree, Bachelor Degree, Graduate Certificate, Graduate Diploma, Masters)
HECS-HELP	The loan scheme that helps eligible Commonwealth supported students pay their student contributions. Before 2005, this was known as HECS.
HELP	Higher Education Loan Program. Australian Government loans to help students pay their student contributions (HECS-HELP), tuition fees (FEE-HELP or VET Student Loans/ VET FEE-HELP [closed]).
HELP Balance	The balance between a student's applicable HELP Loan Limit (amount set annually by the commonwealth) and the sum of their combined HELP Debts incurred in their lifetime, including FEE-HELP, VET FEE-HELP, VET Student Loan and HECs HELP (HECs-HELP from 1 January 2020 only), less any repayments made.
HELP Debt	A sum of all HELP Debts a student has incurred in their lifetime, including under FEE-HELP, VET FEE-HELP, VET Student Loan and HECs HELP loan schemes.
SLE	Student Learning Entitlement – applies to Commonwealth supported places (CSP) and the amount of study a student can undertake in CSP in a lifetime.
Special circumstances	Specific requirements that a student must meet for their HELP balance to be re-credited, or for their HECS-HELP debt to be reduced, after unit census date has passed.
Unit	Any area of study, which is part of a course, has a title and code number in the subject register on the Student Management System maintained by the Registrar. Includes subjects, modules, units of study, units of competency.
VET	Vocational Education and Training (Course in..., Certificates I-IV, Diploma, Advanced Diploma, Vocational Graduate Certificate and Vocational Graduate Diploma courses). Includes individual accredited courses approved by the government for national recognition, and Training Package qualifications approved in a group as part of a broader industry training package under a government framework for national recognition.
VET FEE-HELP	VET FEE-HELP assistance via a commonwealth loan for domestic eligible Vocational Education and Training students for courses that commenced prior to 1 January 2017, and with unit census dates prior to 31 December 2017. The VET FEE-HELP loan scheme ended in December 2017. Governed by the Higher Education Support Act (HESA Act, 2003).
VET Student Loan	VET Student Loan assistance via a commonwealth loan for domestic eligible Vocational Education and Training students enrolling in courses approved for VET Student Loan, where course commenced from 1 January 2017 onwards. Governed by the VET Student Loans Act (VSL Act, 2016).

## 7 Related Policies & Procedures

- Re-crediting of HELP Balance and Review of Decisions Procedure
- Student Enrolment Policy & Procedure
- Refunds for Domestic Students Policy and Procedure
- Student Code of Conduct

## 8 Related Operating Guidelines

- Box Hill Institute Welcome Booklet
- Administrative Information for Providers (AIP)
- VET Student Loans Manual for Providers

## 9 Related Forms

- Application for Refund of Paid Tuition Fees and/or Re-Credit of HELP Balance In Special Circumstances (Degree courses)
- Application For Refund of Paid Tuition Fees and/or Re-Credit of VET FEE-HELP/VET Student Loan HELP Balance in Extenuating Circumstances (VET courses)
- Course Exit Form
- Unit Withdrawal Form

## 10 Related Legislation and Registration

### 10.1 Box Hill Institute

- Nil

### 10.2 External

- Higher Education Support Act (2003) (HESA)
- Higher Education Support Act 2003 - Administration Guidelines (2012)
- Higher Education Provider Guidelines
- VET Student Loans Act (2016)
- VET Student Loans Rules 2016

## 11 Records

Records will be maintained in accordance with the privacy and confidentiality requirements of Box Hill Institute's Records Management Policy and Procedures.

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Process Area: Student Experience



Where the privacy of an individual may otherwise be compromised, records will be kept secure and confidential.

Where the privacy of individuals may otherwise be compromised, records will be maintained as confidential.

## 12 Policy Review

This policy must be reviewed no later than three (3) years from the date of CEO Approval. The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

## 13 Responsibilities

The **Registrar** is responsible for implementation of the review of Commonwealth entitlement decisions policy and procedure.

**Student Administration** is responsible for processing approved remissions applications and the reporting of updated student statuses to the Commonwealth via revisions file reporting.

**Students** are responsible for obtaining and completing forms for application for a remission, and providing supporting evidence to support their application within required timelines.

## 14 Policy Owner

The Executive Director of Student Experience is the owner of this policy.

Executive Director Signature	Date Endorsed	Name/Title
		Alison Scobie Executive Director, Student Experience (Acting)

Author/s	Name
Registrar	Carolyn Luscombe

## 15 Approval Body

The CEO is the approval body.

Signature	Date Endorsed	Name/Title
		Laura MacPherson Interim CEO & Managing Director

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Version: 2.1  
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