

Tuition Protection and Assurance Policy and Procedure

Policy code: GOV-018

Version: 1.0

Effective date: 15 March 2023

Purpose

This policy will ensure that the College provides protection of tuition fees of all students including international students (for compliance with its obligations as a CRICOS provider under Part 5 of the Education Services for Overseas Students (ESOS) Act 2000 – Tuition Protection Service (TPS)).

Scope

- All campuses
- All students including HE and VET, domestic and international
- Finance team
- Board of Directors

Policy statement

The College recognises that it has an obligation to protect its students against the consequences of provider default and to deal appropriately with a student default. In meeting these obligations, the College contributes annually to the Australian Government's Tuition Protection Service (TPS).

The TPS is an initiative of the Australian Government to assist international and domestic students (FEE-HELP and fee paying), whose education providers are unable to fully deliver their course of study.

The TPS ensures that students are able to either:

1. Complete their studies in another course or with another education provider or
2. Receive a refund of their unspent tuition fees.

If the College cannot deliver the course a student has paid for, the TPS will help the student find another course with minimal disruption to their studies. The TPS will use an online placement service to give the student all the information they need so they understand their options and can choose an alternative course that best suits them. Support in using the system will be available to students if they need it.

If a student is unable to find a suitable alternative course, the TPS will refund the tuition fees that have been paid, for the part of the course that they have not yet received.

For VET students and temporary residents (not covered under the TPS), the College will repay pre-paid and unspent course fees in the case of the College ceasing to deliver a course.

TPS College Obligations

To fulfil its obligations under the TPS, the College will:

- Ensure that all applicable fees and levies are paid to the TPS in a timely manner;
- Ensure that any request for information from the TPS Director is supplied in a timely manner;
- Consider acceptance of students from another registered provider for higher education or international students if requested to do so by the TPS Director or ESOS Agency (TEQSA), with the understanding that the College is under no obligations to accept those students and that any acceptance will be made in accordance with the relevant College Admissions Policy (*Admissions Policy – Undergraduate – HE* or *Admission and Enrolment Policy – International*); and
- Ensure it maintains current and accurate student records, particularly in relation to student contact details and course progress.

Provider Default

In the event of a provider default, the College will follow the steps outlined in the *Refund Policy – International*, including:

- Advise the TPS Director and ESOS Agency (TEQSA and/or ASQA) of any provider default by the College via PRISMS or via direct email (domestic students) within three (3) business days of default. Included in this advice will be:
 - The circumstances of the default; and
 - The details of the students in relation to whom the College has defaulted; and
 - Information on whether the College intends to discharge its obligations to those students and how;
- Notify the relevant students in writing within 3 business days of the default, after the notifications above;
- Discharge its obligations to students within 14 days of the default (refer to *Course Discontinuation Policy – HE* or *Course and Training Package Discontinuation Policy - VET*);
- Provide any applicable refunds of unspent tuition fees for international students (from the tuition assurance account);
- Advise the TPS Director and ESOS Agency (TEQSA and/or ASQA) of any actions taken by the College to discharge its obligations to students and/or any plans to do so within 21 days of the default; and
- Liaise with the TPS Director if the College seeks to refer any students to the TPS for placement in any suitable alternative course or for a refund in the event that the College is unable to discharge its obligations.

Procedure

What happens if the College ceases to provide a course of study?

If the College ceases to provide a course of study, a student may be eligible for tuition protection assistance if the course has not commenced, or ceases after commencement but before completion, and the student has not previously withdrawn.

Information for affected students

The College will notify affected students in writing that a course of study is no longer provided within three (3) business days after the College ceases to provide the course. As soon as practicable, the College will also update its website to reflect that the course is no longer being delivered and to give students information about the tuition assurance arrangements.

The College will follow the timelines outlined above ([Provider Default](#) section) for all formal notifications.

The TPS will work with affected students directly to identify the best option for their tuition assurance, including at least one of the following:

Course Assurance - TPS

The TPS will work with affected students to identify a replacement course and arrange for students to be placed with a second provider.

Replacement courses must meet the following criteria:

- the course must lead to the same or comparable qualification as the original course;
- the mode of delivery of the replacement course must be the same as or, with the student's consent, similar to the mode of delivery for the original course;
- the location where the replacement course is primarily delivered must be reasonable, having regard to the costs of, and the time required for, a student's travel; and
- the student will not incur additional fees that are unreasonable and will be able to attend the replacement course without unreasonable impacts on the student's prior commitments.

Affected students will be offered a replacement course and may seek a review about whether the course offered to them meets the requirements for replacement courses. A student who accepts the replacement course offered will not be required to pay the second provider for the replacement components of the replacement course. However, the fees payable for the remainder of the replacement course may be different from the fees payable for the original course.

The student will also receive course credits for parts of the original course successfully completed by the student, as evidenced by a copy of the academic transcript or other Australian Qualifications Framework certification document issues by the course provider or an authorised issuing organisation in accordance with the Australian Qualifications Framework.

Each affected student will have a specified time in which to accept the replacement course offer. The TPS may extend that period in circumstances that justify an extension.

If an affected student enrolls in a course that is not a replacement course, the student may be required to pay additional tuition fees, and might not receive the course credits the student would have received if they enrolled in a replacement course.

Re-credit of HELP balance (if applicable)

Where the student prefers to apply for a re-credit of their FEE-HELP balance for the eligible parts of their original course, the student may nominate the TPS to make the application on their behalf. The College will consider students' applications as soon as practicable and notify them of the decision about the application, together with a statement of reasons for the decision.

If an application for a re-credit is accepted, the amount re-credited will be equal to the amount of FEE-HELP assistance received by the student for the eligible subjects.

Tuition Fee Repayment Option

Should the student be unable to select a course during this period of time, they will be eligible to request a refund of unspent pre-paid tuition fees from the TPS and will be required to comply with any relevant immigration requirements.

As VET students and temporary residents are not covered under the TPS, they will be able to request a refund of unspent pre-paid tuition fees directly from the College, through the 'Provide Feedback' online form.

Additional information for international students on a student visa

Detailed information about the way provider or student default is managed within the College relating to international students is available in the [Refund Policy - International](#).

In accordance with the legislated requirements of the *ESOS Act 2000*, the College is unable to accept tuition fees for more than one study period in advance. As part of the requirements of the TPS, the College maintains an account exclusively for tuition fees received from international students studying on a student visa. The College pays any tuition fees received prior to course commencement from student visa holders, into this account within five (5) working days of receiving these fees.

The College ensures that there is a sufficient balance in the account at all times to repay unspent tuition fees to all non-commenced students that have applied to study on a student visa. The money held in this account is unable to be used to cover any other debts.

Student Record Keeping

It is suggested best practice for students to retain assessments, records of completed subjects or competencies, or statements of attainment that they receive from their education provider.

Responsibilities

College responsibilities

In line with the information outlined in this policy, the College (including the Board of Directors) will:

- Meet its payment, notification and reporting obligations as outlined above, to all affected stakeholders including TPS, TEQSA / ASQA, students and staff;
- Keep detailed records of all affected students in the case of a course ceasing to be offered;
- Ensure a significant working capital fund is kept annually to enable refunds of unused tuition fees in the event of a course being discontinued;
- Where possible, develop and maintain positive working relationships with other providers offering similar courses around the country and develop MOUs for credit transfer / student transition in case of course discontinuation;
- Where possible, arrange teach-out for discontinued courses or variation into another similar internal course, so that students can complete their studies and gain a qualification.

Staff responsibilities

The finance team of the College, including the CFO will ensure:

- A separate account is maintained for first semester funds of all international students studying on a student visa;
- Working capital accounts are maintained at an amount that is able to fund unspent tuition fees of those students who have paid upfront at all times.

Complaints and Appeals

Students unsatisfied with the outcome of any decision made by the College in relation to this policy are encouraged to follow the processes outlined in the relevant Complaints and Appeals Policy.

If still dissatisfied, the student may take their complaint directly to TEQSA by completing an online complaints form at <https://www.teqsa.gov.au/complaints-international-students> or to the Tuition Protection Service directly via email to support@tps.gov.au.

Definitions

ASQA - Australian Skills Quality Authority - the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.

College - The Australian College of Natural Medicine Pty Ltd (ACNM) trades as Endeavour College of Natural Health and Endeavour Wellness Clinic. For the purpose of this policy, any reference to 'College' or 'the College'

should be considered a reference to each or any of these respective trading names / entities.

ESOS - Education Services for Overseas Students - a legislative framework, administered by the Australian Government, addressing the responsibility of education institutions towards overseas students.

International student - The College defines an International Student as someone who is not an Australian citizen or permanent resident or a New Zealand citizen or a permanent visa holder. This definition includes students studying onshore on a range of temporary visas (working holiday visa, tourist visa, student visa etc) or offshore as an online student. Information that applies only to students studying on specific visa classes (e.g. Student Visa) is specified when relevant.

TEQSA – Tertiary Education Quality and Standards Agency - the national regulator for Australia's higher education sector and the regulator for the College's international offerings. TEQSA regulates courses and higher education institutions to ensure the Higher Education Standards are met.

TPS – Tuition Protection Service – an initiative of the Australian Government to assist international and domestic students (FEE-HELP and fee paying), whose education providers are unable to fully deliver their course of study.

Tuition fee - a fee paid for the teaching of subjects or units of study undertaken at the College. May be paid upfront, via FEE-HELP or before census date on a payment plan.

Unspent tuition fee – The portion of the tuition fees that have been paid by the student but not yet been spent on teaching and learning. Tuition fees are considered 'spent' in full after census date for the enrolled subject.

Upfront payment - Payment of all fees for that teaching period prior to the commencement of the teaching period.

Related procedures

Refund Procedure - International

Further information

Related policies

- *Admission and Enrolment Policy – International*
- *Admissions Policy – Undergraduate – HE*
- *Complaints and Appeals Policy – Domestic - HE*
- *Complaints and Appeals Policy - International*
- *Course Discontinuation Policy – HE*
- *Course and Training Package Discontinuation Policy – VET*
- *Fees Policy – HE*
- *Fees Policy – International*
- *Fees Policy – VET*

- *Grievance Policy - VET*
- *Refund Policy - International*

Related documents

- Nil

External references

Australian Government. (2023, March 10). Tuition Protection Service. <https://www.education.gov.au/tps>

Australian Government. (2023, March 10). Tuition Protection Service – Information for Higher Education Students.
<https://www.education.gov.au/tps/higher-education-students>

Australian Government. (2023, March 10). Tuition Protection Service – Information for International Students.
<https://www.education.gov.au/tps/international-students>

Benchmarking

- Holmes Institute
- Sydney Institute of Business and Technology (SIBT)
- UTS College

Related legislation

Education Services for Overseas Students Act 2000 (Cth). <https://www.legislation.gov.au/series/c2004a00757>

Education Services for Overseas Students (TPS Levies) Act 2012 (Cth).
<https://www.legislation.gov.au/Details/C2012A00011>

Higher Education Support Act 2003 (Cth). <https://www.legislation.gov.au/Series/C2004A01234>

Higher Education Support (HELP Tuition Protection Levy) Act 2020 (Cth).
<https://www.legislation.gov.au/Series/C2020A00004>

Higher Education (Up-front Payments Tuition Protection Levy) Act 2020 (Cth).
<https://www.legislation.gov.au/Series/C2020A00102>

Tertiary Education Quality and Standards Agency Act 2011 (Cth).
<https://www.legislation.gov.au/Series/C2011A00073>

Review and approval

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Recommended by

National Quality, Governance & Compliance Manager, Elissa Holswich

Recommended date: 10 March 2023

Approved by

Managing Director, Rolf Krecklenberg

Approval date: 15 March 2023

Policy status

- New – reinstated and combined old archived policies into new policy to cover TPS.

Responsibilities for implementation

- Chief Financial Officer
- Managing Director
- National Quality, Governance & Compliance Manager

Key stakeholders

- Director of Education
- Director of Sales & Admissions
- Finance team
- Students