



Fees and Refund Policy

Policy Summary	
Department Responsible for Policy	Finance Department
Contact Person for Policy	Finance Manager
Approving Authority	FARC
Date Last Approved	8/10/2018
Next Review Date (Evaluation)	Every two years
Related Documents	<p>Guidelines</p> <ul style="list-style-type: none"> • <i>National Vocational Education and Training Regulator Amendment Act 2015</i> • <i>Australian Qualifications Framework (AQF)</i> • <i>Australian Skills Quality Authority (ASQA) Standards for NVR Registered Training Organisations 2015</i> • <i>The National Code 2018</i> • <i>Education Services for Overseas Students Act 2000 (ESOS)</i> • <i>Education Services for Overseas Students Regulations 2001</i> • <i>The Tertiary Education Quality Standards Agency (TEQSA) Higher Education Standards Framework 2015</i> <p>Policies</p> <ul style="list-style-type: none"> • <i>4-01-010 VET Student Loan Tuition Fees and Refund Policy</i> • <i>12-03-011 International Student Refund Information (Policy)</i> • <i>10-01-021 Complaints and Appeals Policy (Students)</i> <p>Manuals</p> <ul style="list-style-type: none"> • <i>4-02-001 Finance Manual</i> <p>Documents</p> <ul style="list-style-type: none"> • <i>1-03-001 Student Handbook</i> • <i>10-02-066 Dealing with Complaints</i>
Document Number	4-01-001

Policy History		
Policy version	Main changes made	Date Amended
1.0	New policy	8/11/2013
2.0	Updated information on Tuition Assurance Scheme	8/11/2013
3.0	Corrected refund amount for withdrawals or deferrals before Census Date.	11/11/2014
4.0	Updated for new branding	29/04/2016

5.0	Updated as a result from internal audit	16/09/2016
6.0	Updated format	21/10/2016
7.0	Add in Higher Education Standards, update Branding and Approval Authority	30/11/2016
8.0	Update for <i>National Code 2018</i> and VET Student Loan implications	8/10/2018

1. Preamble

- 1.1 All students must pay tuition fees in order to study at the College.
- 1.2 Tuition fees are subject to strict compliance requirements, in particular, informing students of important information and of their rights with regards to refunds.

2. Definitions

Administration Date The date identified on the *4-03-001 Fee Schedule* as the date by which tuition fees must be paid for Domestic students.

Australian Qualifications Framework (AQF) First introduced in 1995, it is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework. In 2011, under the leadership of the AQF Council, the AQF was revised to ensure that qualification outcomes remain relevant and nationally consistent, continue to support flexible qualifications linkages and pathways and enable national and international portability and comparability of qualifications. The latest version of the AQF framework was published in January 2013.

Australian Quality Training Framework (AQTF) The national set of standards which assures nationally consistent, high-quality training and assessment services for the clients of Australia's vocational education and training (VET) system. Initially established in 2001 for implementation in 2002, it is approved by the Ministerial Council for Tertiary Education and Employment (MCTEE), which includes all Ministers for VET in Australia.

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

Australian Student Tuition Assurance Scheme (ASTAS) ASTAS ensures that any Australian student displaced from a course, due to an RTO's inability to continue the course, is relocated efficiently and with minimal disruption to a comparable course with another member or approved provider.

The scheme provides members with a low-cost solution to fee protection legislation and is a significant marketing tool in attracting prospective students.

It satisfies the requirements of the Higher Education Support Act 2003 and has been approved by ASQA as an alternative fee protection measure under the Standards for NVR Registered Training Organisations (SNR 11.3e and 22.3e).

Census Date The date identified on the *4-03-001 Fee Schedule* that signifies what semester the subject falls within. Used for reporting to the government for compliance and

VET Student Loan purposes.

The College Kenvale College of Hospitality, Cookery and Events.

Defer To temporarily put studies on hold (adjourn, delay, postpone).

Foundation for Education and Training (FFET) The College is a project of the Foundation For Education and Training Limited (FFET), a non-profit company limited by guarantee.

ESOS Framework Principally comprises the Education Services for Overseas Students Act 2000 (ESOS Act), the Education Services for Overseas Students Regulations 2001 (the ESOS Regulations), the Education Services for Overseas Students (Registration Charges) Act 1997 (the ESOS Charges Act) and the *National Code 2018*.

Higher Education (HE) Provider A body that is established or recognised by the Commonwealth or a state or territory government to issue qualifications in the HE sector.

Registered Training Organisation (RTO) A vocational education and training organisation registered by a state or territory registering body in accordance with ASQA.

Refund To return, give back, repay money paid.

Suspend Refer to *Defer*.

The Tertiary Education Quality Standards Agency (TEQSA) is an independent statutory authority established in 2011. It sits within the Education portfolio. TEQSA regulates and assures the quality of Australia's large, diverse and complex higher education sector. TEQSA registers and evaluates the performance of higher education providers against the Higher Education Standards Framework

Vocational Education and Training (VET) A type of tertiary education under the Australian Qualifications Framework (AQF), which enables students to gain qualifications for all types of employment, and specific skills to help them in the workplace.

3. Scope

Aim

- 3.1 This policy aims to articulate the obligations of the College and restrictions around payment of fees and any refund of tuition fees.
- 3.2 Fee refunds ensure a fair and equitable payment process for students given there are circumstances where it is reasonable and required for the College to refund tuition fees to students.

Scope

- 3.3 This policy covers information specific to the payment of and refund of tuition fees.
- 3.4 This policy does not apply to fee schedules or financial policies regarding the construct of fees.
- 3.5 This policy does not detail the procedures associated with fees and fee refunds. For all procedural information, please refer to the *4-02-001 Finance Manual*. Specific refund information for international students can be found in *12-03-011 International Students Refund Information*.
- 3.6 Specific refund information for students eligible to take up VET Student Loan can be found in *4-01-010 VET Student Loan Tuition Fee and Refund Policy*,
- 3.7 This policy aligns with the information stated in the letter of offer received by both international and domestic students.
- 3.8 This policy should be used in conjunction with the *4-02-001 Finance Manual*.

4. Fees

Fee Schedule

- 4.1 Fees for domestic students are outlined in the *4-03-001 Fee Schedule*, which is updated annually and forms part of compliance obligations.
- 4.2 The *4-03-001 Fee Schedule* must be published on the College website in order for applicants to make an informed decision about applying to study at the College. This is a compliance requirement.
- 4.3 International student fees are stated in *12-030-28 Int'l Student FULL Fees -2018-*. These are also published on the website (Home>International Students).

Informing Students and Acknowledgements

- 4.4 It is a compliance requirement that the College inform students fully of this policy and seek their acknowledgement. This must be done prior to enrolment using the *the letters of offer*.
- 4.5 The acknowledgement signed by the student must contain the following information, as directed by the *National Code 2018* (Standard 3.4.5):
"This written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies"
- 4.6 The *National Code 2018* stipulates a number of requirements for the acknowledgement under Standard 3.

5. Fee Payments

Timeframes for Payment of Fees

- 5.1 All fees must be paid by the student prior to the commencement of classes in each semester.
- 5.2 As stipulated by the *ESOS National Code* (Standard 3, 3.1), the College must not accept payment of fees prior to the student entering into a written agreement with the College.

Late Payment of Fees

- 5.3 Where fees are not paid in full by the Administration Date, the College reserves the right to deny the student access to electronic resources and e-mails.
- 5.4 Any outstanding fees by the end of the student life cycle will result in the student being denied their qualification/testamur.
- 5.5 For information regarding additional fees, please refer to <http://kenvale.edu.au/apply/fees/australian-new-zealander/>

Methods of payment

- 5.6 Annual tuition fees are payable on a per semester or instalment basis from the date of acceptance of offer.
- 5.7 For specific details regarding options for payment of fees, please refer to the letters of offers sent to the students as well as the *1-03-001 Student Handbook*.

6. Fee Refunds

Reasons for Refunds

- 6.1 There are a number of reasons why a student would require a refund from the College of tuition fees paid, such as:
 - 6.1.1 The College is unable to deliver the student's course in full, and
 - 6.1.2 A student decides to defer or withdraw from their course.
- 6.2 Students are ineligible for a refund and must not receive a refund where:
 - 6.2.1 Notification of deferment or withdrawal is received after the Census Date.
 - 6.2.2 The student has accepted enrolment into an alternative course.
 - 6.2.3 For international students, where:
 - i. their visas were cancelled due to breaching the conditions of the visa; or
 - ii. they had been refused visas due to fraud or having provided fraudulent documents to Kenvale College; or
 - iii. they arrived to Australia after the course start date.
- 6.3 Students have the right to appeal against the College's decision following the *10-01-021 Complaints and Appeals Policy (Students)*. For more details please refer to Kenvale's website (Home>Students>Complaints and Appeals).

Enrolment in an Alternative Course

- 6.4 Where the College is unable to deliver the student's course in full, the student may be offered enrolment in an alternative course at no extra cost to the student. All excess costs are covered by the Australian Student Tuition Assurance Scheme (ASTAS) or Tuition Protection Scheme (TPS).
- 6.5 Enrolment in an alternative course must not be done in conjunction with a refund of fees, but as an alternative to a refund of fees.
- 6.6 Students will first be attempted to be placed in an alternative course. A refund of fees will only be given if placement in an alternative course is not possible.
- 6.7 Where a student accepts placement in an alternative course, they must sign *4-03-002 Alternative Course Agreement*, as detailed in the *4-02-001 Finance Manual*.

Payment of Fee Refunds

- 6.8 Where the College is unable to deliver the student's course in full, the tuition fees paid to the date of cessation of the course must be paid within two (2) weeks of the date on which the course ceased to be provided.
- 6.9 Students who withdraw must be paid a full refund within 20 working days of notification of withdrawal; however, notification of deferment or withdrawal must be received prior to the Census Date.
- 6.10 Refunds must only be paid to the person who paid the fees.
- 6.11 Where a student has withdrawn from a course and requires a refund, they must meet all requirements, as outlined in the *4-02-001 Finance Manual* prior to the Finance Department processing their refund.

Student Tuition Assurance Schemes

- 6.11.1 Where the College is unable to provide a refund or place a student in an alternative course, the Tuition Protection Scheme (TPS) arranged by the Department of Education will place the student in a suitable alternative course at no extra cost to the student.
- 6.11.2 Where TPS cannot place the student in a suitable alternative course, the student is eligible for a refund calculated by TPS.

VET Student Loan Debts

For information regarding refunds of VET Student Loan related debts, please refer to *4-01-010 VET STUDENT LOAN Tuition Fee and Refund Policy*.

7. Application

- 7.1 This policy applies to all students who are enrolled with the College and the Academic, Admissions and Finance Departments.
- 7.2 For further procedural information, please refer to the *4-02-001 Finance Manual* and *12-03-011 International Student Refund Information (Policy)*.
- 7.3 In line with AQF (2013), this policy will be applied consistently and fairly.

8. Responsibilities

- 8.1 The College's Finance Department is responsible for the management of this policy.

- 8.2 The College's Academic, Admissions and Finance Departments are responsible for the application of this policy, as may be pertinent or appropriate.
- 8.3 The Finance Manager is responsible for managing all enquiries regarding fee payments and refunds.

9. Quality and Compliance

- 9.1 The College's approach to fees and fee refunds aligns with the ESOS National Code and Standards for NVR Registered Training Organisations.
- 9.2 This policy will be reviewed and updated every two years or whenever there are changes applicable by the Finance Department to ensure the quality and relevance of its content, and to maximise the effectiveness of its application to both the students and the needs of industry.
- 9.3 The following legislation and compliance regulations apply to this policy:

Standards for Registered Training Organisations (RTOs) 2015	
Standard 2	<p>Clause 2.1</p> <p>The RTO ensures it complies with these Standards at all times, including where services are being delivered on its behalf. This applies to all operations of an RTO within its scope of registration.</p> <p>Clause 2.2</p> <p>The RTO:</p> <ul style="list-style-type: none"> • systematically monitors the RTO's training and assessment strategies and practices to ensure ongoing compliance with Standard 1, and • systematically evaluates and uses the outcomes of the evaluations to continually improve the RTO's training and assessment strategies and practices. Evaluation information includes but is not limited to quality/performance indicator data collected under Clause 7.5, validation outcomes, client trainer and assessor feedback and complaints and appeals.
Standard 3	<p>Clause 3.2</p> <p>All AQF certification documentation issued by an RTO meets the requirements of <u>Schedule 5</u>.</p>
Standard 4	<p>Clause 4.1</p> <p>Information, whether disseminated directly by the RTO or on its behalf, is both accurate and factual, and:</p> <ul style="list-style-type: none"> • accurately represents the services it provides and the training products on its scope of registration • includes its RTO Code • refers to another person or organisation in its marketing material only if the consent of that person or organisation has been obtained • uses the NRT Logo only in accordance with the conditions of use specified in <u>Schedule 4</u> • makes clear where a third party is recruiting prospective learners for the RTO on its behalf • distinguishes where it is delivering training and assessment on behalf of another RTO or where training and assessment is being delivered on its behalf by a third party • distinguishes between nationally recognised training and assessment

	<p>leading to the issuance of AQF certification documentation from any other training or assessment delivered by the RTO</p> <ul style="list-style-type: none"> • includes the title and code of any training product, as published on the National Register, referred to in that information • only advertises or markets a non-current training product while it remains on the RTO's scope of registration • only advertises or markets that a training product it delivers will enable learners to obtain a licensed or regulated outcome where this has been confirmed by the industry regulator in the jurisdiction in which it is being advertised • includes details about any VET FEE-HELP, government funded subsidy or other financial support arrangements associated with the RTO's provision of training and assessment, and • does not guarantee that: <ul style="list-style-type: none"> ○ a learner will successfully complete a training product on its scope of registration, or ○ a training product can be completed in a manner which does not meet the requirements of Clause 1.1 and 1.2, or ○ a learner will obtain a particular employment outcome where this is outside the control of the RTO.
Standard 5	<p>Clause 5.3</p> <p>Where the RTO collects fees from the individual learner, either directly or through a third party, the RTO provides or directs the learner to information prior to enrolment or the commencement of training and assessment, whichever comes first, specifying:</p> <ul style="list-style-type: none"> • all relevant fee information including: <ul style="list-style-type: none"> ○ fees that must be paid to the RTO, and ○ payment terms and conditions including deposits and refunds • the learner's rights as a consumer, including but not limited to any statutory cooling-off period, if one applies • the learner's right to obtain a refund for services not provided by the RTO in the event the: <ul style="list-style-type: none"> ○ arrangement is terminated early, or ○ the RTO fails to provide the agreed services.
Schedule 6	<p>"The RTO addresses learner fee protection by implementing one or more of the following arrangements:</p> <p>2. The RTO holds current membership of a Tuition Assurance Scheme approved by its VET Regulator which, if the RTO is unable to provide services for which the learner has prepaid, must ensure:</p> <p>a) the learner will be placed into an equivalent course such that:</p> <ul style="list-style-type: none"> – the new location is geographically close to where the learner had been enrolled; and – the learner receives the full services for which they have prepaid at no additional cost to the learner; or <p>b) if an equivalent course cannot be found, the learner is paid a refund of any prepaid fees for services yet to be delivered above the threshold prepaid fee amount.</p>

Standard 7	<p>Clause 7.2</p> <p>The RTO satisfies the <i>Financial Viability Risk Assessment Requirements</i>.</p> <p>Clause 7.3 and Schedule 6</p> <p>Where the RTO requires, either directly or through a third party, a prospective or current learner to prepay fees in excess of a total of \$1500 (being the threshold prepaid fee amount), the RTO must meet the requirements set out in the Requirements for Fee Protection in Schedule 6.</p>
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Higher Education Standards Framework 2015	
Standard 1	<p>1 Student Participation and Attainment</p> <p>1.1 Admission</p> <p>2. The admissions process ensures that, prior to enrolment and before fees are accepted, students are informed of their rights and obligations, including:</p> <p>a. all charges associated with their proposed studies as known at the time and advice on the potential for changes in charges during their studies</p> <p>b. policies, arrangements and potential eligibility for credit for prior learning, and</p> <p>c. policies on changes to or withdrawal from offers, acceptance and enrolment, tuition protection and refunds of charges.</p>
Standard 6	<p>6 Governance and Accountability</p> <p>6.2 Corporate Monitoring and Accountability</p> <p>1. The provider is able to demonstrate, and the corporate governing body assures itself, that the provider is operating effectively and sustainably, including:</p> <p style="padding-left: 40px;">c the provider is financially viable and applies, and has the capacity to continue to apply, sufficient financial and other resources to maintain the viability of the entity and its business model, to meet and continue to meet the requirements of the Higher Education Standards Framework, to achieve the provider's higher education objectives and performance targets and to sustain the quality of higher education that is offered</p> <p style="padding-left: 40px;">d. the financial position, financial performance and cash flows of the entity are monitored regularly and understood, financial reporting is materially accurate, financial management meets Australian accounting standards, effective financial safeguards and controls are operating and financial statements are audited independently by a qualified auditor against Australian accounting and auditing standards</p>
Standard 7	<p>7 Representation, Information and Information Management</p> <p>7.2 Information for Prospective and Current Students</p> <p>1. Accurate, relevant and timely information for students is publicly available and accessible, including access for students with special needs, to enable informed decision making about educational offerings and experiences.</p> <p>2. Information for students is available prior to acceptance of an offer, written in plain English where practicable, accompanied by an explanation of any technical or specialised terms, and includes:</p> <p style="padding-left: 40px;">c. information to outline the obligations of students and their liabilities to the higher education provider including expected standards of behaviour, financial obligations to the higher education provider, critical deadlines, policies for deferral, change of</p>

	<p>preference/enrolment and leave of absence, particular obligations of international students, disciplinary procedures, misconduct and grounds for suspension or exclusion</p> <p>4. Students are given reasonable notice of changes to a higher education provider's operations including information about increases in fees and associated costs and any consequences that may affect their choice of, or ability to participate in, an intended course(s) of study.</p> <p>7.3 Information Management</p> <p>1. There is a repository of publicly-available current information about the higher education provider's operations that includes:</p> <p>d. the financial standing of the provider</p> <p>k. where public annual reports are required of the provider, the three most recent annual reports.</p>
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National Code 2018	
Standard	Formalisation of enrolment and written agreements
3.1	<p>3.1 The registered provider must enter into a written agreement with the overseas student or intending overseas student, signed or otherwise accepted by the student, concurrently with or prior to accepting payment of tuition fees or non-tuition fees. A written agreement may take any form provided it meets the requirements of the ESOS Act and the National Code.</p> <p>3.2 If the overseas student or intending overseas student is under 18 years of age, the written agreement with the overseas student or intending overseas student must be signed or otherwise accepted by the student's parent or legal guardian.</p> <p>3.3 In addition to all requirements in the ESOS Act, the written agreement must, in plain English:</p> <p>3.3.1 outline the course or courses in which the student is to be enrolled, the expected course start date, the location(s) at which the course will be delivered, the offered modes of study for the course, including compulsory online and/or work-based training, placements, and/or other community-based learning and/or collaborative research training arrangements</p> <p>3.3.2 outline any prerequisites necessary to enter the course or courses, including English language requirements</p> <p>3.3.3 list any conditions imposed on the student's enrolment</p> <p>3.3.4 list all tuition fees payable by the student for the course, the periods to which those tuition fees relate and payment options (including, if permitted under the ESOS Act, that the student may choose to pay more than 50 per cent of their tuition fees before their course commences)</p> <p>3.3.5 provide details of any non-tuition fees the student may incur, including as a result of having their study outcomes reassessed, deferral of study, fees for late payment of tuition fees, or other circumstances in which additional fees may apply</p> <p>3.3.6 set out the circumstances in which personal information about the student may be disclosed by the registered provider, the Commonwealth including the TPS, or state or territory agencies, in accordance with the <i>Privacy Act 1988</i></p> <p>3.3.7 outline the registered provider's internal and external complaints and appeals processes, in accordance with Standard 10 (Complaints and appeals)</p> <p>3.3.8 state that the student is responsible for keeping a copy of the</p>

	<p>written agreement as supplied by the registered provider, and receipts of any payments of tuition fees or non-tuition fees</p> <p>3.3.9 only use links to provide supplementary material.</p> <p>3.4 The registered provider must include in the written agreement the following information, which is to be consistent with the requirements of the ESOS Act, in relation to refunds of tuition fees and non-tuition fees in the case of student default and provider default:</p> <p>3.4.1 amounts that may or may not be repaid to the overseas student (including any tuition and non-tuition fees collected by education agents on behalf of the registered provider)</p> <p>3.4.2 processes for claiming a refund</p> <p>3.4.3 the specified person(s), other than the overseas student, who can receive a refund in respect of the overseas student identified in the written agreement, consistent with the ESOS Act</p> <p>3.4.4 a plain English explanation of what happens in the event of a course not being delivered, including the role of the TPS</p> <p>3.4.5 a statement that “This written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the <i>Australian Consumer Law</i> if the <i>Australian Consumer Law</i> applies”.</p>
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Education Services for Overseas Students Regulations 2001

3.01	<p>“Prescribed details about accepted students</p> <p>For paragraph 19(1)(a) of the Act, the following details are prescribed for a person who becomes an accepted student of a provider:</p> <p>a. ...</p> <p>j. The total amount of tuition fees that the student is required to pay to the provider to undertake the full course in accordance with the written agreement entered into with the student;...”</p>
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10. References

- 10.1 Australian Qualifications Framework Council. (2013). *Australian Qualifications Framework (AQF)*, 2nd ed., Australia.
- 10.2 Australian Skills Quality Authority (ASQA), Standards for Registered Training Organisations (RTOs) 2015.

- 10.3 Department of Education and Training (DET), 2018, National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code). Australia.
- 10.4 Education Services for Overseas Students Regulations 2001 (Statutory Rules) made under the Education Services for Overseas Students Act 2000 and the Education Services for Overseas Students (Consequential and Transitional) Act 2000.
- 10.5 The Tertiary Education Quality Standards Agency (TEQSA) (2015). *Higher Education Standards Framework 2015*. Australia.