



TRAINING &
EDUCATION

Change of Provider Policy

Document Name and Number:	Version and Date:	Responsible Person:	Purpose and Comments:
Change of Provider Policy	March 2020/v1.0	PEO and/or the CEO and/or nominee	Ensure compliance with National Code of Practice for Providers of Education and Training to Overseas Students 2018 and Education Services for Overseas Students Act 2000 (ESOS Act)

| RTO No 0137 | CRICOS Code 01774A |

Policy scope

This policy applies to international students who wish to change providers.

In the case of student under the age of 18:

- the registered provider must have written confirmation that the overseas student's parent or legal guardian supports the transfer
- where the overseas student is not being cared for in Australia by a parent or suitable nominated relative, the receiving provider must confirm it accepts responsibility for approving the student's accommodation, support and general welfare arrangements in accordance with Standard 5 (Younger overseas students).

Policy purpose

Standard 7 of the ESOS National Code requires providers to not enrol an overseas student seeking to transfer from another provider's course prior to the overseas student completing six months of his/her principal course, except where the allowable exceptional circumstances, outlined in Standard 7.1, apply:

- the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
- the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
- any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change

Applications will be assessed, and students will be advised of the outcome, and reasons for such, in writing within 10 working days of receipt.

Policy statement

The school will comply with the requirements of the ESOS National Code.

Legislative/statutory requirements

- [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
 - Education Services for Overseas Students Act 2000 (ESOS Act)
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Associated documents

National Code 2018 Factsheets

[General Factsheet](#)

[Standard 1: Marketing information and practices](#)

[Standard 2: Recruitment of an overseas student](#)

[Standard 3: Formalisation of enrolment and written agreements](#)

[Standard 4: Education Agents](#)

[Standard 5: Younger overseas students](#)

[Standard 6: Overseas student support services](#)

[Standard 7: Overseas student transfers](#)

[Standard 8: Overseas student visa requirements](#)

[Standard 9: Deferring, suspending or cancelling the overseas student's enrolment](#)

[Standard 10: Complaints and appeals](#)

[Standard 11: Additional requirements](#)

Requirements

The change of provider will only be granted where:

- the student has provided course transfer request in writing, with a letter from another registered provider confirming a valid offer has been made
- the student has provided written support from any government sponsor who considers the transfer to be in the student's best interest; and
- it is deemed in the overseas student's best interests, including but not limited to where the registered provider has assessed that:
 - the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)
 - there is evidence of compassionate or compelling circumstances

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- the registered provider fails to deliver the course as outlined in the written agreement
 - there is evidence that the overseas student's reasonable expectations about their current course are not being met
 - there is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives
 - an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.

A change of provider will not be granted where there are reasonable grounds for refusal. Reasonable grounds for refusal of an application may include, but not be limited to:

- the change of provider being detrimental to the student
- the student wishing to experience another part of Australia
- where the student states that the course has not met their expectations and the organisation has another course to offer which meets their stated requirements
- personal preferences e.g. the student wishing to be with friends, the climate being uncomfortable

Potential transferees that are refused will have an opportunity to appeal the decision using the complaints and appeals process.

Risk Management

This policy assists the organisation to meet its obligations under the ESOS National Code.

Associated Documents and Materials

- Complaints and Appeals processes
 - Compassionate and compelling circumstances Policy
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