



TRAINING &
EDUCATION

Compassionate and compelling circumstances Policy

Document Name and Number:	Version and Date:	Responsible Person:	Purpose and Comments:
Compassionate and compelling circumstances Policy	March 2020/V1.0	CEO and/or PEO and/or 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

Under the ESOS National Code, there are many references to compassionate and compelling circumstances when assessing the welfare and compliance of international students with various regulations pertaining to their enrolment, progress and transfer.

Policy purpose

This policy will guide staff in making determinations about compassionate and compelling circumstances as required by the National Code.

Policy statement

The organisation is committed to meeting our responsibilities under the ESOS framework and this policy assists staff in making the necessary judgements.

Legislative/statutory requirements

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- [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 decision whether particular circumstances are compassionate and/or compelling rests with one or more of the organisation's Management Team.

In the event of any disagreement, the final decision rests with the organisation's CEO and/or PEO.

As per the requirements of the National Code, compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the student is unable to attend classes
 - bereavement of close family members such as parents or grandparents
 - major political upheaval or natural disaster in the home country requiring emergency travel when this has impacted on the student's studies
 - a traumatic experience which could include:
 - involvement in, or witnessing of a serious accident
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- witnessing or being the victim of a serious crime
 - If this experience has impacted on the student, these cases must be supported by police or psychologists' reports.
 - Inability to begin studying on the course commencement date due to delay in receiving a Student VISA

These are only examples but not limited to of what may be considered compassionate or compelling circumstances.

The organisation's Management team will use their professional judgment to assess each case on its individual merit. When determining whether compassionate or compelling circumstances exist, documentary evidence must be provided to support the claim and copies of these documents must be kept in the student's file.

Risk Management

This policy will assist with the ESOS compliance.

Associated Documents and Materials

- Complaints and Appeals processes
 - CRICOS Change of provider policy and process
 - CRICOS Defer, Suspend and Cancel Policy
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