Newcastle Grammar SCHOOL

POLICY DOCUMENT

Policy Number (PN):	3.0
Policy Name:	**Overseas Students Policy**
Last Revised:	September 2020

Overseas Students Policy

Relevant Legislation

NSW legislation

- *Education Act 1990* (the Education Act)

Commonwealth legislative framework

- *Education Services for Overseas Students Act 2000* (ESOS Act) (amended 2015)
- *Education Services for Overseas Students Regulations 2001* (ESOS Regulations)
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (The National Code)
- *Education Services for Overseas Students (TPS Levies) Act 2012*

Reason

Newcastle Grammar School (the School) is listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). CRICOS Provider Code: 02344D.

CRICOS is maintained by the Commonwealth Government's Department of Education, Skills and Employment (DESE) under the ESOS Act. As a CRICOS provider, the School is registered to deliver Junior and Senior Secondary courses to overseas students.

A CRICOS overseas student is a person (within or outside) Australia who holds a student visa (subclass 500) as defined by the ESOS Act; except as part of an approved secondary student exchange programme (3-12 months) who entered the country on an *'Acceptance Advice for Secondary Exchange Student'* (AASES) form.

The School must ensure that it maintains evidence of compliance with the ESOS legislative framework as detailed in the Guidelines for Approved NSW School Providers Delivering Courses to Overseas Students (the Guidelines).

The Guidelines provide details about:

- the legislative basis for approving NSW school providers to deliver courses to overseas students
- the responsibilities of NESA in relation to the approval of NSW school providers to deliver courses to overseas students
- the requirements for school providers delivering courses to overseas students
- NESA's procedures for approval of a school provider to deliver courses to overseas students
- procedures for refusal, amendment, suspension or cancellation of a school provider's approval
- procedures for appeal of certain decisions.

This policy details how the School is to comply with the Relevant Legislation and maintain evidence of its compliance in accordance with the Guidelines.

The relevant legislation and the Guidelines are amended from time to time and the School is aware that it must abide by the current legislation and amendments at all times.

The Relevant Legislation, the Guidelines and this Policy

The School must meet the legislative requirements under the Relevant Legislation. To meet the legislative requirements, the School is committed to following the Guidelines. This policy accepts Part 3 of the Guidelines (Requirements for approved school providers) as requirements for the School and adopts those requirements as part of this policy. This policy is to be read as in conjunction with the Guidelines.

The section numbers in this policy refer to the sections of Part 3 of the Guidelines (Section 3.1 of this policy relates to section 3.1 of the Guidelines and so on).

This policy details how the School is to comply with the Relevant Legislation and the Guidelines.

3.1. PEO certification of compliance with the ESOS Act

The Head of the School must certify that the School has in place policies and procedures to ensure that the School is compliant with requirements of the ESOS Act.

3.2. Fit and proper test

The Head of the School must, for the current approval period, make a statutory declaration in the form of the Statutory Declaration in **Schedule 1.**

Records

The School must maintain a copy of the signed statutory declaration by the Head of School for the current period of approval.

3.3. Australian residency

The School is a non-government school, with a current certificate of Registration and Accreditation as a provider of Education approved by the NSW Minister for Education.

Title: Newcastle Grammar School Limited
ABN: 19 054 234 141
Address: 60 Newcomen Street, Newcastle, NSW 2300
Phone: +61 2 4929 5811

Head of School: Mrs Erica Thomas
Residency Status: Australian
Email: Erica.thomas@ngs.nsw.edu.au

3.4. Marketing information and practices

Records

The School is to maintain all records of marketing and other material used in relation to overseas students including marketing material which is part of the School's website, prospectus, application forms and overseas student handbooks or information packages.

All materials referring to and associated with marketing are to be recorded and kept in the office of the Head of School and/or the Head of Finance and Business Services.

3.5. Recruitment of an overseas student

Policies and procedures

The School's Cancellation and Refund Policy is contained in **Schedule 2.**

The School's Policy and Procedures to assess whether the student's English Language Proficiency is sufficient to enable them to undertake the course is in **Schedule 3.**

The School's Policy and Procedures for assessing, granting and recording Recognition of Prior Learning (RPL) or course credit is in **Schedule 4.**

Records

A school provider is to maintain records of:

- information that has been made available to overseas students and intending overseas students relating to:
  - the requirements for an overseas student's acceptance into a course, including the minimum level of English language proficiency, educational qualifications or work experience required, and course credit if applicable;
  - the CRICOS course code, course content, modes of study for the course including compulsory online and/or work-based training, placements, other community-based learning and collaborative research training arrangements, and assessment methods;
  - course duration and holiday breaks;
  - the course qualification, award or other outcomes;
  - campus locations and facilities, equipment and learning resources available to students;
  - the details of any arrangements with another provider, person or business who will provide the course or part of the course;
  - indicative tuition and non-tuition fees, including advice on the potential for changes to fees over the duration of a course, and the registered provider's cancellation and refund policies;
  - the grounds on which the overseas student's enrolment may be deferred, suspended or cancelled;
  - the ESOS framework, including official Australian Government material or links to this material online;
  - where relevant, the policy and process the registered provider has in place for approving the accommodation, support and general welfare arrangements for younger overseas students (in accordance with National Code Standard 5); and
  - accommodation options and indicative costs of living in Australia.

- for each overseas student enrolled:
  - the basis of the school provider's assessment of the student's English language proficiency in relation to the course being undertaken; and
  - the school provider's assessment of, and decision in relation to, any application for RPL or course credit, where applicable.

3.6. Formalisation of enrolment and written agreements

The School must ensure that its written agreement with overseas students is consistent with the requirements in sections 3.6.3 to 3.6.5 of the Guidelines.

Records

The School must maintain records, for each overseas student enrolled, of:

- a signed written agreement with the overseas student, and parent or **legal guardian**, if the student is under 18 years of age, consistent with 3.6.3 to 3.6.5 of the Guidelines
- the student's current residential address, mobile number (if any), email address (if any) and emergency contacts.

The School must maintain these records for at least two years after the overseas student ceases to be a student at the School.

3.7. Education agents

The School is committed to ensuring that their education agents act ethically, honestly and in the best interests of overseas students as well as uphold the reputation of Australia's international education sector.

The School must enter into a written agreement with each education agent it engages to formally represent it and enter and maintain the education agent's details in PRISMS. The written agreement must be consistent with section 3.7 of the Guidelines, including documented procedures for monitoring the activities of each education agent formally engaged by the School.

Where the School becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent has not complied with the education agent's responsibilities under sections 3.7.2 and 3.7.3 of the Guidelines, the School must take immediate corrective action.

Where the School becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, the School must immediately terminate its relationship with the education agent, or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices.

The School must not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- providing migration advice, unless that education agent is authorised to do so under the Migration Act
- engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of School under National Code Standard 7 (Overseas student transfers)
- facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa
- using PRISMS to create CoEs for other than bona fide students.

Procedures

The School is to ensure that each agency agreement permits it to undertake the following procedures:

- a regular review of the education agent's performance, to be undertaken at least every six months at the discretion of the School;
- spot checks may be undertaken by representatives of the School both at the education agent's premises and at promotional events; and
- a yearly survey of parents of students and students recruited by the education agent.

The School is to monitor each agent and to keep a record of each monitoring activity.

Records

The School must maintain, for each education agent formally engaged by the provider:

- a copy of the signed current written agreement with the education agent consistent with 3.7.2 and 3.7.4 of the Guidelines
- records of the monitoring activities undertaken by the School
- evidence of any immediate corrective or preventative action taken by the School in response to a reasonable suspicion of inappropriate actions by the education agent, or employee or subcontractor of the education agent.

3.8. Younger overseas students

The School is committed to complying with the Commonwealth, state or territory legislation or other regulatory requirements relating to child welfare and protection in NSW. The School's child protection policy applies to overseas students.

The evidence of compliance for this requirement follows and is organised into the following three sections:

A. Overarching evidence of compliance where a school provider enrols students under 18 years of age, regardless of who approves the welfare and accommodation
B. Evidence of compliance where welfare and accommodation is approved by the school provider - Confirmation of Appropriate Accommodation / Welfare Arrangements (CAAW) letter issued by the school provider
C. Evidence of compliance where welfare and accommodation is approved by DHA - no CAAW letter is issued by the school provider

The School must maintain Evidence of Compliance **Records A**. The need to maintain Evidence of Compliance **Records B** and/or Evidence of Compliance **Records C** will depend on whether the School or DHA approves the accommodation.

Policies and procedures A, B and C

The School's Younger Students Accommodation Policy is in **Schedule 5.**

Records A

The School must maintain:

- up-to-date records of the living arrangements for each enrolled overseas student under 18 years of age, including the contact details of the student's parent(s), legal guardian or any adult responsible for the student's welfare
- records of the information provided to overseas students consistent with 3.8.2 of the Guidelines
- where applicable, records of complying with 3.8.5 of the Guidelines where the School is unable to contact an overseas student and has concerns for the student's welfare
- where applicable, records of complying with 3.8.7 of the Guidelines where the School enrols an overseas student who, at the time of enrolment, had welfare arrangements approved by another registered provider.

Records B

The School must maintain for each enrolled overseas student:

- a copy of the CAAW letter issued that identifies the dates for which the School accepts responsibility for approving the overseas student's accommodation, support and general welfare arrangements
- records of the verification of the approved accommodation and welfare arrangements consistent with section 3.8.3 of the Guidelines
- where applicable, records of the implementation of the critical incident policy and procedures consistent with section 3.8.3 of the Guidelines
- where applicable, records of contact with DHA in relation to any change to the welfare and accommodation arrangements as described in section 3.8.3 of the Guidelines
- records of a working with children check clearance for any adult involved in or providing accommodation and welfare arrangements to overseas students
- where applicable, records of the selection, screening and monitoring of any third parties engaged by the School to organise and assess welfare and accommodation arrangements
- where applicable, records of the School notifying the overseas student's parents or legal guardian immediately if the provider is no longer able to approve the welfare arrangements of an overseas student.

Records C

The School provider must maintain records of the activities undertaken in monitoring the living arrangements of each overseas student living with a parent or DHA approved relative.

3.9. Overseas student support services

Policies and procedures

The School's Overseas Student Support Policy is in **Schedule 6.**

The School has a Critical Incident Policy which is to be used for overseas students.

Records

The School must maintain:

- records that identify the designated staff member(s) consistent with sections 3.9.5 and 3.9.6 of the Guidelines
- copies of the orientation programme conducted for overseas students that is consistent with section 3.9.1 of the Guidelines
- where applicable, records of any critical incident affecting an overseas student and the actions taken by the school provider.

3.10. Overseas student transfers

Policies and procedures

The School's Policy regarding Overseas Student Transfers is in **Schedule 7.**

Records

The School must maintain records, where applicable, of:

- a request from an enrolled overseas student to transfer to another registered provider
- the approval, or otherwise, of the overseas student's parent or legal guardian in relation to the transfer
- the decision in relation to a transfer request and the subsequent communication of this decision to the overseas student and, if the student is under 18 years of age, the student's parent(s) or legal guardian
- the change to the overseas student's enrolment in PRISMS.

3.11. Overseas student visa requirements

Policies and procedures

The School's Overseas Student Visa Requirements Policy which covers course progress and attendance, reporting unsatisfactory course progress or unsatisfactory attendance, allowable extensions of course duration and modes of delivery is in **Schedule 8.**

Records

A school provider must maintain, for each overseas student enrolled:

- an assessment of the overseas student's course progress for each study period, and where applicable, records of the intervention strategies undertaken where an overseas student was assessed as at risk of not meeting satisfactory course progress
- a record of the overseas student's attendance rate for each study period, and where applicable, records of the intervention strategies undertaken where the school provider identified concerns with the student's attendance rate
- if applicable, records of an extension of an overseas student's course duration
- if applicable, records of reporting unsatisfactory course progress or unsatisfactory attendance to DHA via PRISMS.

3.12. Deferring, suspending or cancelling the overseas student's enrolment

Policies and procedures

The School's Deferring, Suspending or Cancelling the Student's Enrolment Policy is in **Schedule 9.**

Records

The School must maintain, for each overseas student enrolled, where applicable:

- any request for deferment or suspension of enrolment
- evidence of how any such request has been assessed by the school provider and how the overseas student was informed in writing of the outcome of the request
- any action taken by the school provider with regard to deferring, suspending or cancelling the overseas student's enrolment including evidence of the written advice given to the overseas student and parent including that the student has 20 working days in which to appeal a decision
- any complaint or appeal made by the overseas student and written evidence of the overseas student being notified of the outcome of the process
- evidence of notification to the DESE through PRISMS of any change to the enrolment status of the overseas student.

3.13. Complaints and appeals

The School must maintain the enrolment of an overseas student whilst a complaint and/or appeal is being considered.

Policies and procedures

The School's Complaints and Appeals policy is in **Schedule 10.**

Records

A school provider must maintain, for each overseas student enrolled, where applicable:

- a record of any complaint made to the provider and the nature of the complaint
- the written notification of the outcome of the complaint and appeal, if relevant, that were provided to the overseas student
- a record of the corrective or preventative action taken by the school provider where the outcome of a complaint was decided in the overseas student's favour.

3.14. Additional registration requirements including notifications to NESA

Evidence of compliance

The School must certify that it has adequate staffing and education resources to deliver its registered courses to overseas students, consistent with section 3.14.2 of the Guidelines.

The School must notify NESA, and keep a record of the notification in writing via RANGS Online:

- when the school provider, or an associate of the provider, or a high managerial agent of a provider who has been, is, or will be involved in the business of delivering programmes to overseas students:
  - has been convicted of an offence
  - has been convicted of an offence under the ESOS Act at any time during the past five years
  - has ever had its CRICOS registration cancelled or suspended under the ESOS Act
  - has ever been issued with an Immigration Minister's suspension certificate
  - has ever had conditions imposed on its registration under the ESOS Act
  - has been bankrupt
  - has ever been disqualified from managing a corporation under the Corporations Act
  - has been involved in the business of provision of course by another provider that was subject to any of the points above.

- of any change in the name or address of the school provider at least one month before such a change is to take effect
- of any intention to relocate premised (including the head office or principal place of business) at least three months before the relocation
- of any change in the school name and/or name of a delivery site at least one month before such a change is to take place
- of any prospective changes to the ownership of the registered provider as soon as practicable before the change is to take effect
- of any change to the details of courses approved including changes to course duration and course cost at least one month before such a change is to take place
- to request a decrease in the overseas student capacity of the school provider's scope of approval at least one month before such a change is to take place
- to request the cancellation or suspension of the school provider's approval and registration to deliver courses to overseas students, at least three months before the cancellation or suspension
- to request to add to the school provider's existing scope of approval by adding a course, adding a delivery site or increasing the maximum approved overseas student capacity.

3.15. Application fees

The School is to pay any annual registration fees necessary to maintain its registration, within the period specified on the invoice, as determined by NESA and published on the NESA website.

Note: Amendment to the *ESOS (Registration Charges) Act 1997 Amendment (COVID-19 Exemptions) Regulations 2020.* The Regulations 2020, commencing 12 April, amend the Principal Regulations to:

- exempt all new and existing CRICOS registered providers from the requirement to pay the 2021 annual registration charge and
- exempt all new and existing CRICOS registered providers from the requirement to pay the entry to market charges from 12 April until 30 June 2021.

These exemptions apply in addition to the existing exemptions in the Principal Regulations, and measure introduced by the Government designed to reduce the regulatory and cost burden on education providers during the COVID-19 pandemic.

SCHEDULE 1 - Statutory Declaration under the New South Wales Oaths Act 1900 for school providers

Statutory declaration on behalf of the Provider seeking approval to provide courses to overseas students in NSW schools under the following NSW and Commonwealth legislation and guidelines (henceforth 'NSW and Commonwealth legislation and guidelines'):

- NSW Education Act 1990
- Education Services for Overseas Students Act 2000 (amended 2015) ('the ESOS Act')
- ESOS Act Regulations 2001
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code)

I,.....
[insert full name of Principal Executive Officer (PEO)]

of.....
[insert address]

in the State of New South Wales, solemnly and sincerely declare that:

1. In respect of Newcastle Grammar School Limited ('the Provider'), I am authorised to make this statutory declaration on behalf of the Provider.

2. The Provider is seeking approval to provide courses to overseas students within New South Wales, with that approval forming the basis for registration by the Secretary ('the Secretary') of the Commonwealth Department of Education, Skills and Employment (DESE) under the NSW and Commonwealth legislation and guidelines.

3. In relation to the delivery to overseas students, I understand that the Secretary can register a Provider only if the Secretary receives from the designated state authority for New South Wales:

    i. a certificate that the Provider complies with the National Code, established under Part 3 of the ESOS Act
    ii. advice in writing that the Provider has satisfied the NSW Education Standards Authority (NESA) that the Provider is fit and proper to be registered under section 5 of the ESOS Act.

4. I understand that NESA will rely on the completed Application for Renewal of Approval or Application for Initial Approval ('the Application') and on evidence tendered by the Provider in support of the Application (including this Statutory Declaration), and onsite visit(s) and inspection(s) in making its decision to certify the Provider's compliance with the ESOS Act and National Code as identified in the Guidelines for Approved NSW School Providers Delivering Courses to Overseas Students ('the Guidelines') and that the Provider is fit and proper to be registered. I understand that NESA, in relation to applications for approval to deliver courses to overseas students, will share the information collected on the Provider's compliance with DESE in accordance with the regulatory requirements of the NSW and Commonwealth legislation and guidelines.

5. I have copies of the NSW and Commonwealth legislation and guidelines and I have read, understood and agree to abide by all the provisions therein. I have sought legal advice to clarify any aspects of the legislation and guidelines that I did not previously understand.

6. I declare that the Provider:
   i. carries on business in Australia,
   ii. has its central management and control in Australia, and
   iii. if a company (or other body corporate) is incorporated in Australia.

7. I declare that the Provider:
   i. complies with the NSW and Commonwealth legislation and guidelines as currently in force
   ii. undertakes to comply with the NSW and Commonwealth legislation and guidelines as amended from time to time
   iii. is fit and proper to be registered.

8. In relation to delivery to overseas students, I declare that neither the Provider, nor any associate of the Provider (associate as defined in section 6 of the ESOS Act), nor a high managerial agent of the Provider who has been, is or will be involved in the business of delivering programmes to overseas students:
   i. has been convicted of a criminal offence
   ii. has been convicted of an offence under the ESOS Act at any time during the past five years
   iii. has ever had its CRICOS registration cancelled or suspended under the ESOS Act
   iv. has ever been issued with an Immigration Minister's suspension certificate
   v. has ever had conditions imposed on its registration under the ESOS Act
   vi. has been bankrupt
   vii. has ever been disqualified from managing corporations under the Corporations Act 2001
   viii. has been involved in the business of the provision of courses by another Provider who is covered by any of the points above.

9. Before making this declaration, I have examined the records of the Provider, any associate of the Provider and high managerial agent(s) of the Provider and have made all due and proper inquiries of the employees and agents of the Provider and any associate, so as to ensure that this Declaration is true and correct in every particular and does not omit any relevant information.

10. I declare that my employment history for the five years prior to taking up the position of Principal Executive Officer (PEO) of the Provider was as follows:

Dates		Position held	Legal name and location of previous employers	Trading name of previous employers
From	To			

11. Furthermore, as prescribed under the NSW and Commonwealth legislation and guidelines, I agree to undertake on behalf of and with the authority of the Provider:

i. to notify NESA in writing if the Provider or any associate of the Provider or high managerial agent of the Provider is convicted of an offence
ii. to notify NESA in writing if any associate of the Provider or a high managerial agent of the Provider has been made bankrupt or the Provider has gone into liquidation
iii. to notify NESA in writing of changes in Provider ownership, name, address, management status or a change to the Principal Executive Officer (or equivalent) of the Provider
iv. in relation to delivery to overseas students, to notify NESA and the Department of Home Affairs of changes in information about accepted students
v. to market course provision in an ethical and responsible manner.

I make this solemn declaration, conscientiously believing the same to be true and by virtue of the Oaths Act 1900.

Declared at: ..... on .....
[place] [date]

.....
[signature of declarant]

in the presence of an authorised witness, who states:

I, ..., a.....,
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it:

*[*please cross out any text that does not apply]*

1. *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. *I have known the person for at least 12 months OR *I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was

.....
[describe identification document relied on]

....
[signature of authorised witness] [date]

SCHEDULE 2 - Cancellation and refund policy

1. Deferring of Commencement of Study initiated by the student

(a) The School will only grant a deferring of studies for compassionate and compelling circumstances. These include but are not limited to:
   (i) illness, where a certified medical certificate states that the student was unable to attend classes
   (ii) bereavement of close family members such as parents, siblings or grandparents (where possible a certified death certificate should be provided)
   (iii) major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on studies
   (iv) Government imposed travel restrictions due to COVID-19 pandemic
   (v) a traumatic experience which has impacted on the student (these cases should be where possible supported by police or psychologists' reports)
   (vi) failure of the student to meet English testing standards to ensure success at school
   (vii) misbehaviour by the student

(b) The final decision for assessing and granting a deferment of commencement of studies lies with the Head of School and/or the Head of Finance and Business Services.

(c) The Head of School and/or the Head of Finance and Business Services will notify the Secretary of DESE via PRISMS of the deferring of commencement of studies, depending on the student's CoE status.

2. Suspending of study initiated by the student

A suspending of studies occurs when an enrolment is suspended for a period of time under compelling circumstances as determined by the Head of School and/or the Head of Finance and Business Services.

(a) Once the student has commenced the course, the School will only grant a suspension of study for compassionate and compelling circumstances. These include but are not limited to:
   (i) illness, where a certified medical certificate states that the student was unable to attend classes
   (ii) bereavement of close family members such as parents, siblings or grandparents (where possible a certified death certificate should be provided)
   (iii) major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on studies
   (iv) Government imposed travel restrictions due to COVID-19 pandemic
   (v) a traumatic experience which has impacted on the student (these cases should be where possible supported by police or psychologists' reports)

(b) The Head of School and/or the Head of Finance and Business Services will notify the Secretary of DESE of the suspending of studies via PRISMS depending on the student's CoE status.

(c) The period of suspension will not be included in attendance calculations.

(d) The final decision for assessing and granting a deferment of commencement of studies lies with the Head of School and/or the Head of Finance and Business Services.

3. Assessing requests for deferring or suspending studies initiated by the student

(a) Requests for deferring or suspending of studies initiated by the student will be assessed on merit by the Head of School and/or the Head of Finance and Business Services.
(b) All requests for deferring or suspending of studies initiated by the student will be considered by the Head of School and/or the Head of Finance and Business Services within 10 working days.

4. Exclusion from class (1 - 28 days)

(a) The School may exclude a student from class studies on the grounds of misbehaviour by the student. Exclusion will occur as the result of any behaviour identified as resulting in exclusion by the School's Behaviour Management Policy.
(b) An excluded student must abide by the conditions of their exclusion from studies which will depend on the welfare and accommodation arrangements in place for each student and which will be determined by the Head of School and/or the Deputy Head of School.
(c) Where the student is provided with homework or other studies for the period of exclusion, the student must continue to meet the academic requirements of the course.

5. School initiated suspending of studies (28+ days)

(a) The School may initiate a suspending of studies for a student on the grounds of misbehaviour by the student. Suspension will occur as the result of any behaviour identified as resulting in exclusion of School Behaviour Management Policy.
(b) A suspended student must abide by the conditions of their exclusion from studies which will depend on the welfare and accommodation arrangements in place for each student and which will be determined by the Head of School and or the Deputy Head of school.
(c) A student who has been suspended for more than 28 days may be required under the terms and conditions of the Australian Government's Student Visa Programmeme and the DHA, to return to his/her home country unless special circumstances exist (e.g. the student is medically unfit to travel).
(d) The Head of School and/or the Head of Finance and Business Services will notify the Secretary of DESE of the suspending of studies via PRISMS depending on the student's CoE status.

6. Cancelling of enrolment initiated by the student

A cancelling of enrolment occurs when a family decides to withdraw from enrolment procedures, or the School determines that the enrolment is no longer viable.

(a) The School will cancel the enrolment of a student under the following conditions:
    (i) failure to pay course fees
    (ii) failure to maintain approved welfare and accommodation arrangements (Visa condition 8532).
    (iii) Any behaviour identified as resulting in exclusion by the School's Behaviour Management Policy.
(b) The Head of School and/or the Head of Finance and Business Services will report failure to maintain satisfactory course progress and failure to maintain satisfactory

attendance to the Secretary of DESE via PRISMS depending on the student's CoE status.

(c) The Head of School and/or the Head of Finance and Business Services will inform the student in writing of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and will notify the student that he or she has 20 working days to access the School's internal complaints and appeals process as per 3.13 of the Guidelines (Complaints and Appeals) and Standard 10 of the National Code. If the student accesses the School's internal complaints and appeals process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

7. Refunds and the written agreement

The School is to include in the written agreement the following information, which is consistent with the requirements of the ESOS Act, in relation to refunds of course-related fees in the case of student and School default:

(a) Amounts that may or may not be repaid to the student (including any course-related fees collected by education agents on behalf of the School).

(b) Processes for claiming a refund.

(c) 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.

(d) A plain English explanation of what happens in the event of a course not being delivered.

(e) A statement that 'This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws.'

8. Procedures

(a) Fees paid to other parties e.g. For Homestay/guardian are not covered by the School's Formalisation of Enrolment and Refunds Policy.

(b) The application for admission fee is non-refundable.

(c) Payment of course fees and refunds:

  (i) Fees are payable in accordance with the Schedule of Fees for International students applying at the time of application and enrolment.

  (ii) The Withdrawal/Transfer/Payment section and the required one full term's written notice to the Head of School by the last school day of the term prior to your child's leaving the School.

  (iii) All fees must be paid in Australian dollars.

  (iv) Refunds will be paid in Australian dollars using the banking details provided by you to the School's Finance and Business Services' Office.

  (v) Refunds will be paid to the person/s entering into the Written Agreement unless written notification to the Head of School from the person/s entering the Written Agreement to pay the refund to another party has been received.

9. Student Default

Under section 47A of the ESOS Act, and overseas student or intending overseas student defaults, in relation to a course at a location if:

(a) The course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or

(b) The student withdraws from the course at the location (either before or after the agreed starting day); or

(c) Newcastle Grammar School refuses to provide, or continue providing, the course to the student at the location because of one or more of the following:

  (i) The student failed to pay an amount payable to Newcastle Grammar School;

  (ii) The student breached a condition of his/her student visa;

  (iii) Misbehaviour by the student

(NOTE: the student is entitled to natural justice under subsection 47A(3))

NOTE: subsection 47A(2) – A student does not default for failing to start a course on the agreed starting day if he/she does not start that course because Newcastle Grammar School defaults in relation to the course at the location under subparagraph 46A(1)(a)(i).

10. Refunds in student default situations

Visa refused by the Department of Home Affairs (DHA)	• Refund of all pre-paid tuition and enrolment fees less • $250 administration costs where student produces DHA evidence of refusal
Written notice to the Head of School of cancellation of course more than 28 days before start of agreed course	• Refund of all pre-paid tuition and enrolment fees less • $250 administration costs
Written notice to the Head of School of cancellation of course less than 28 days before start of agreed course	• No refund of prepaid or enrolment fees
Written notice to the Head of School for release from course after start of course and release has been approved by the Head of School on reasonable grounds	• Refund based on pro-rata fees. • Enrolment fees are not refundable
Agreed course not taken up after start date	• No Refund
Agreed course abandoned without written notice	• No Refund
Visa conditions breached by student or visa cancelled	• No Refund
Student expelled for improper actions by student	• No Refund
Failure to pay course fees	• No Refund

11. Provider default

Under section 46A of the ESOS Act Newcastle Grammar School defaults, in relation to an overseas student or intending overseas student and a course at a location, if:

(a) Newcastle Grammar School fails to start providing the course to the student at the location on the agreed starting day; or

(b) After the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.

NOTE: Section 46A sets out further rules prescribing when a provider defaults.

12. Refunds in provider default situations

Newcastle Grammar School withdraws course before agreed start date and student cannot be placed or student refuses an alternative course arranged by the School	• Full refund of any unspent prepaid tuition fees paid to the School will be made in Australian Dollars within 14 days of the agreed course start date
Newcastle Grammar School is unable to continue offering course after student commencement and student cannot be placed or student refuses an alternative course arranged by the School	• Full refund of any unspent prepaid tuition fees paid to the School will be made In Australian Dollars within 14 days

SCHEDULE 3 - Policy and procedures to assess whether the student's English language proficiency is sufficient to enable them to undertake the course

Policy

The School recruits students in an ethical and responsible manner and provides information that enables students to make informed decisions about studying at the School. The School ensures students' qualifications and English language proficiency are appropriate for the course for which enrolment is sought in compliance with Standard 2 of the National Code.

In addition to the Newcastle Grammar School Student Enrolment Policy the following procedures apply regarding student engagement before enrolment in compliance with the ESOS Act and the National Code.

Prior to accepting a student

Prior to accepting a student, or an intending student, for enrolment in a course, the School is to provide, in print or through referral to an electronic copy, current and accurate information regarding the following:

(a) the requirements for acceptance into a course, including the minimum level of English language proficiency and educational qualifications.
(b) the course content and duration, qualification offered, modes of study and assessment methods.
(c) course duration and holiday breaks.
(d) the course qualification.
(e) campus locations and a general description of facilities, equipment, and learning and library resources available to students.
(f) indicative course-related fees including advice on the potential for fees to change during the student's course and applicable refund policies.
(g) information about the grounds on which the student's enrolment may be deferred, suspended or cancelled.
(h) a description of the ESOS framework made electronically available by the DESE.
(i) relevant information on living in Australia, including:
    (i) indicative costs of living
    (ii) accommodation options.

English language proficiency

The School assesses a student's English language proficiency through the Application for Enrolment – Supplementary Application for International Students Procedures and by the Enrolments Officer in liaison with the Head of School.

The School must maintain records of:

(a) Proposed enrolment and course structure information that are to be made available to intending overseas students, such as
    (i) Information available on the School's website
    (ii) The School's prospectus and course brochures
    (iii) Student handbooks
    (iv) Enrolment and application forms
    (v) Notifications to students of course offers.

(b) Procedures to assess whether the student's qualifications and English language proficiency are appropriate for the course for which enrolment is sought.
(c) Records for each student demonstrating the basis of the School's assessment of the student's qualifications and English language proficiency for entry into the course for which enrolment has been sought.

Requirements for Acceptance

For student in Years 7-12:

(a) In addition to the requirements described in the Application for Enrolment, Supplementary Application for International Students and the Conditions of Enrolment, the requirements for acceptance into a course, including the appropriate level of proficiency in English and any previous educational qualifications, will be assessed by the Enrolments Officer and the Head of School.
(b) Work experience is not applicable as a requirement for course entry.
(c) At present the minimum standard of English proficiency for entry is in 6.0 IELTS, depending on the age of the student.

SCHEDULE 4 - Policy and procedures, if applicable, for assessing, granting and recording recognition of prior learning or course credit

It is the decision of the Head of School and the Head of Finance and Business Services, that the School does not grant Course Credit to International Students.

SCHEDULE 5 - Younger Students Accommodation Policy

The School accepts International students under the age of 18 years who are being cared for in Australia by their parents or suitable nominated relative (as defined by the DHA on its website). As such, the School is to ensure the arrangements made to protect the personal safety and social well-being of those students are appropriate in compliance with 3.8 of the Guidelines.

1. Where the School has taken on responsibility under the Relevant Legislation for approving the accommodation, support and general welfare arrangements for a student who has not turned 18, the School will:
   (a) nominate the dates for which the School accepts responsibility for approving the student's accommodation, support and general welfare arrangements and advise the Department, which is responsible for administering the Migration Regulations, of the dates in the form required by that department
   (b) ensure any adults involved in or providing accommodation and welfare arrangements to the student have NSW working with children clearances
   (c) have and implement documented processes for verifying that the student's accommodation is appropriate to the student's age and needs:
      (i) prior to the accommodation being approved
      (ii) at least every six months thereafter.
   (d) include as part of its policy and processes for critical incidents under Standard 6 (Overseas student support services), a process for managing emergency situations and when welfare arrangements are disrupted for students under 18 years of age
   (e) maintain up-to-date records of the student's contact details as outlined in Standard 3.5, including the contact details of the student's parent(s), legal guardian or any adult responsible for the student's welfare
   (f) advise Immigration in the form required by that department:
      (i) as soon as practicable if the student will be cared for by a parent or nominated relative approved by Immigration and a Confirmation of Appropriate Accommodation and Welfare (CAAW) is no longer required
      (ii) within 24 hours if the registered provider is no longer able to approve the student's welfare arrangements
   (g) have documented policies and processes for selecting, screening and monitoring any third parties engaged by the registered provider to organise and assess welfare and accommodation arrangements. The School must ensure students under 18 years of age are given age and culturally appropriate information on:
      (i) who to contact in emergency situations, including contact numbers of a nominated staff member and/or service provider to the registered provider
      (ii) seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse.

2. If the School is no longer able to approve the welfare arrangements of a student, the School must make all reasonable efforts to ensure that the student's parents or legal guardians are notified immediately.

3. If the School is unable to contact a student and has concerns for the student's welfare, the School must make all reasonable efforts to locate the student, including notifying the police and any other relevant Commonwealth, state or territory agencies as soon as practicable.

4. Where Standard 5.3 applies and the School suspends or cancels the enrolment of the overseas student, the School must continue to approve the welfare arrangements for that student until any of the following applies:
   (a) the student has alternative welfare arrangements approved by another registered provider
   (b) care of the student by a parent or nominated relative is approved by the Department
   (c) the student leaves Australia
   (d) the School has notified the Department under Standard 5.3.6 that it is no longer able to approve the student's welfare arrangements or under Standard 5.5 that it has taken the required action after not being able to contact the student.

5. If the School enrols a student under 18 years of age who has welfare arrangements approved by another registered provider, the School must:
   (a) negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap
   (b) inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date, or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.

6. The School will ensure that, for a student who has not turned 18 years, it will take the necessary steps to approve the accommodation, support and welfare arrangements that meet legislative obligations in relation to child protection under the following Child Protection Acts in New South Wales:
   (a) Children and Young Persons (Care and Protection) Act 1998 (NSW)
   (b) Child Protection (Working with Children) Act 2012
   (c) Children's Guardian Act *2019* (NSW); and
   (d) The Crimes Act 1900 (section 73)

Accommodation Guidelines

The student's accommodation should meet the following criteria:
   (a) A safe and secure environment
   (b) Student to have own room
   (c) Accommodation to be clean and comfortable
   (d) Adequate heating and cooling
   (e) Access to kitchen and laundry facilities
   (f) Adequate bathroom facilities
   (g) Adequate living areas
   (h) Provision of meals
   (i) Access to public transport
   (j) Awareness of cultural differences

Bedroom

A clean and comfortable bedroom with bedroom furniture including:
   (a) Bed
   (b) Study desk and chair
   (c) Reading lamp
   (d) Shelving

(e) Wardrobe
(f) Heating and ventilation
(g) Appropriate power and lighting
(h) Telephone and internet connections

Monitoring

The Deputy Head of School and or the Head of Finance and Business Services will:

(a) Provide further details of approved welfare and accommodation arrangements, including an accurate floor plan of the accommodation.
(b) Supply Documentation (in English) to the School from the Applicant's parents approving of the nominated relative or friend as being a 'Legal Guardian' during their stay.
(c) Undertake an initial and subsequent inspection(s) of the accommodation to ensure suitability of the student's accommodation, support and general welfare arrangements.
(d) Students will be interviewed by the Deputy Head of School once each semester to monitor ongoing arrangements.
(e) A written record of activities undertaken by the Deputy Head of School to manage the processes for recommending, monitoring, assessing and approving accommodation and welfare arrangements for students under 18 years of age.
(f) The responsibility for Inspections is with the Deputy Head of School and/or the Head of Finance and Business Services. Typically, an inspection for each student would occur once per year or at a time when an accommodation provider changes. However, this does not prevent the School from inspecting a home more frequently.

Evidence of compliance

The School's policies and procedures for complying with section 3.8 of the Guidelines are:

(a) The Deputy Head of School is responsible for verifying that the overseas student's accommodation is appropriate to the student's age and needs:
    (i) prior to the accommodation being approved;
    (ii) at least every six months thereafter.
(b) The School is to keep a record of all working with children check clearances in line with the Child Protection (Working with Children) Act 2012 for any adults involved in or providing accommodation and welfare arrangements to the overseas student.
(c) If the School engages a third parties engages to organise and assess welfare and accommodation arrangements, the School must exercise due care in selecting the third party and monitor the third party in its work for the School.
(d) In the case of a critical incident, including in emergency situations and when welfare arrangements are disrupted, the School is responsible to manage the incident. The Deputy Head of School is responsible for managing such incidents but if they are not available, the Head of School, or the Head's delegate, must manage the incident.
(e) The School must notify the overseas student's parents or legal guardian immediately if the School is no longer able to approve the welfare arrangements of an overseas student.
(f) The School must advise DHA of any changes to the overseas student's welfare and accommodation arrangements as described in 3.8.3 of the Guidelines.

The School must maintain:

(a) For each enrolled overseas student:
    (i) A copy of the CAAW letter issued that identifies the dates for which the School accepts responsibility for approving the overseas student's accommodation, support and general welfare arrangements
    (ii) Records of the verification of the approved accommodation and welfare arrangements consistent with section 3.8.3 of the Guidelines
    (iii) Where applicable, records of the implementation of the critical incident policy and procedures consistent with section 3.8.3 of the Guidelines
    (iv) Where applicable, records of contact with DHA in relation to any change to the welfare and accommodation arrangements as described in section 3.8.3 of the Guidelines
(b) Records of a working with children check clearance for any adult involved in or providing accommodation and welfare arrangements to overseas students
(c) Where applicable, records of the selection, screening and monitoring of any third parties engaged by the School to organise and assess welfare and accommodation arrangements
(d) Where applicable, records of the School notifying the overseas student's parents or legal guardian immediately if the provider is no longer able to approve the welfare arrangements of an overseas student.

The School must maintain records of the activities undertaken in monitoring the living arrangements of each overseas student living with a parent or DHA approved relative.

Concerns

Student or Parent Concerns

(a) If a student (or a parent) becomes concerned about his/her current living arrangements, they should contact the Deputy Head of School immediately.
(b) The Deputy Head of School will arrange an immediate inspection of the accommodation and a meeting with the nominated relative or guardian to assess and seek to alleviate any concerns in relation to suitability of the accommodation and welfare arrangements.
(c) Child Protection issues will be managed as per the School's Child Protection Policy and in accordance with the Child Protection Acts in NSW.
(d) The Deputy Head of School will also contact the student's family.
(e) If there is no resolution, the School will seek alternate suitable accommodation for the student.
(f) A written report of the activities undertaken will be documented and kept on the student's file.
(g) The DHA will be advised as soon as possible in the event that a student under 18 years changes his or her living arrangements or the School no longer approves of the arrangements for the student.

School Concerns

(a) If the School does not believe the accommodation conditions do not meet acceptable standards before a student commences at the School, then the parent will be asked to find suitable accommodation before the enrolment is finalised.

(b) If the School has concerns while the student is enrolled about guardianship or the standard of accommodation, then the School has the responsibility to assist the student to find alternative arrangements that are acceptable. Failure to do so may result in the termination of enrolment.

(c) In the event the School defaults on its course offerings or a student is suspended or expelled from the School, the School still has a responsibility to ensure the living conditions are acceptable for the student until the student returns to his/ her home country or a transfer is arranged.

(d) A written report of the activities undertaken will be documented and kept on the student's file.

(e) The DHA will be advised as soon as possible in the event that a student under 18 years changes his or her living arrangements or the School no longer approves of the arrangements for the student.

Responding to Critical Incidents

The staff member responsible for managing a critical incident must follow the School's Critical Incident Policy.

SCHEDULE 6 – Student Support Services Policy - Overseas Students

In order to support overseas students to adjust to study and life in Australia, to achieve their learning goals and to achieve satisfactory progress towards meeting the learning outcomes of the course at the School, the following policies and procedures apply regarding pastoral care and student support services.

Designated Staff Members

The International Students Liaison Officer, the Enrolments Officer, the Deputy Head of School, the relevant Head of House, the Director of Studies and the Director of Learning and Teaching are the key staff members in charge of the pastoral care of overseas students whilst studying at the School.

During the orientation process these staff members are to be identified to the families, guardians and students and key information is provided relevant to their successful transition to studying in Australia and at the School.

The International Students Liaison Officer and the Enrolments Officer work in close association with the Deputy Head of School, relevant Head of House, the Director of Studies and the Director of Learning and Teaching to provide ongoing academic and pastoral support to the student, parents and guardians. All teaching staff involved with overseas students are briefed by the Deputy Head of School as to their involvement and the requirements of an overseas student, including obligations concerning attendance and academic progress under ESOS regulations.

Sufficiency of Student Support Personnel

Each overseas student studying at the School has four key members of staff responsible for their academic, pastoral and general welfare. These staff members, the Deputy Head of School, the relevant Head of House, the Director of Studies and the Director of Learning and Teaching, are introduced to the student during the initial orientation programme and have regular contact – both formal and informal – throughout the student's period of study.

Student Support Services

The School must support overseas students in adjusting to study and life in Australia by giving each overseas student information on or access to an age and culturally appropriate orientation programme that provides information about:

- support services available to assist students to help them adjust to study and life in Australia
- English language and study assistance programmes
- any relevant legal services
- emergency and health services
- the registered provider's facilities and resources
- complaints and appeals process as outlined in National Code Standard 10 (Complaints and appeals)
- requirements for course attendance and progress, as appropriate
- the support services available to assist students with general or personal circumstances that are adversely affecting their education in Australia

- services students can access for information on their employment rights and conditions, and how to resolve workplace issues, such as through the Fair Work Ombudsman.

Overseas Student Orientation Programme

Orientation programmes are an important part of the student support programme that the School offers to overseas students. The orientation process should prepare new overseas students to fully participate in the academic and co-curricular programmes offered by the School. It should also provide the students with the necessary information to be a part of the community in which they are living.

Each year there are orientation programmes organised for all new students to the School. They are based on the year level of entry and they have a focus on familiarising the new students with the School, its programmes, the students at their year level and school routines.

Overseas students need more intensive and individualized programmes to cover many of the aspects of studying not only in a new school but also a new education system and country, often without the support of parents.

Orientation Procedures

There are several stages in the orientation of new overseas students. Where possible they are invited to be involved in whole school or year level orientation as well as the specific Overseas Student Orientation Programme. Orientation continues well after the initial few weeks at the School.

International Student Orientation Programme

A. Interview with the Head of School

- Overview of School ethos
- Overview of general student expectations

B. Interview with the Deputy Head of School

- The student shall be given a copy of the ESOS Framework and have it explained to them
- Curriculum overview including relevant assessment booklets and guidelines discussed
- Student subject selection discussed including English language support
- Pastoral Care programme outlined
- Student's needs identified and discussed
- Communication channels between School and Parent/Guardian outlined
- Significant dates advised
- Transport to and from School discussed
- Student requirements outlined and documentation provided (Programme Book)
  - Conduct, uniforms
  - Chapel
  - School timetable
  - Co-curricular programme
  - Assemblies

- Access to legal services
- Emergency and health services
- Facilities and resources
- The Internal Complaints and Appeals process
- Deferment, Suspension or Cancellation of enrolment Procedures
- Any student visa condition relating to course progress and/or attendance as appropriate

C. School tour with the Enrolments Officer

D. Day 1

- Timetable published
- Locker allocated (Head of House)
- Head of House and Mentor teacher – introduced to student
- School's Student Support Officer introduced to student
- Student 'buddy' assigned to escort new International Student throughout the first day. The buddy remains as a support person until the new Student has demonstrated familiarity with daily routines and has established alternative support people (peers). This is evaluated by the Head of House.

E. After 1 week

- Deputy Head of School contacts the Student after one (1) full week of attendance to follow up on transition and resolve any concerns. The Head of House and Mentor teacher will continue to provide support and monitor the Student.

F. After 5 weeks

- Head of House gathers feedback from the Student's Teachers after five (5) weeks to discuss any concerns related to the transition. Where concerns are identified, the Deputy Head of School is informed and where appropriate the Head of School is informed. The Deputy Head of School and the Head of School may contact the parent/guardian if required.

G. End of first Term

- By the end of the first term of study, the Deputy Head of School organises an interview with the Student to discuss the transition and any concerns the Student may have regarding their academic, pastoral or general welfare.
- Deputy Head of School informs the Head of School of progress.

SCHEDULE 7 - Transfer Between Registered Providers Policy

1. Overseas students are restricted from enrolling or transferring between registered providers within the first six (6) months of their first registered course of study. The restriction applies to any course/s packaged with the principal course of study except:
   (a) if the student's course or school becomes unregistered;
   (b) a government sponsor (where applicable) considers a transfer to be in the best interests of the student;
   (c) if the student is granted a letter of release from the registered provider.

2. The Head of School will only provide a letter of release to a student before completing the first six months of his/her principal course in the following circumstances:
   - the student has changed his/her welfare and accommodation arrangements and is no longer within a reasonable travelling time to and from the School;
   - when there is written confirmation from the student's parents and/or legal guardian indicating it has been agreed that the student would be better placed in a course not provided at the School;
   - any of the reasons stated in the School's policies.

3. The student must request a letter of release from the Head of School, (and issued at no cost to the student), that advises the student of the need to contact the DHA to seek advice on whether a new student visa is required, to enable them to transfer to another registered provider.

4. The Head of School, as the principal registered provider, is responsible for assessing a student's request to transfer within the first six months of their first registered course of study. It is expected that the student's request will be granted where the transfer is in the student's best interest.

5. Students under 18 years of age must also provide to the Head of School:
   - written evidence that the student's parents and/or legal guardian support the transfer;
   - written confirmation that the new registered provider will accept responsibility for approving the student's accommodation and welfare arrangements where the student is not living with a parents and/or legal guardian or suitable nominated relative living in close proximity of the School;
   - evidence that the student has DHA approved welfare and accommodation arrangements in place.

6. The School will not provide a letter of release to a student before completing the first six months of his/her principal course in the following circumstances:
   - the student's academic progress is likely to be disadvantaged;
   - the School has reasonable concern that the student's application to another registered provider is a result of adverse influence of another party, including another student;
   - the student has not given sufficient time to settling into his/her new environment in order to make an informed decision to transfer to another registered provider;
   - the School has provided School support service which may assist in the settling in process and the student has declined to take advantage of these support services, including academic and counselling.

7. Applying for a letter of release

- in order to apply for a letter of release from the School the student must first have an enrolment offer from another registered provider;
- applications to transfer to another registered provider may have visa implications. The student must be advised to contact the Department of Home Affairs (DHA) as soon as possible to discuss any implications. Contact details for the nearest office:
  Ground Floor, 26 Lee Street, Sydney NSW 2000. Telephone 131 881 and student.centre@immi.gov.au

The agreed letter of release, whether from the School or another registered provider, must be recorded in PRISMS. The letter must show the reason for transfer and provide evidence demonstrating the student's commitment to studies, attendance record and all fees for the course have been paid:

- the application to transfer and letter of release will be considered within 10 working days and the student notified of the decision;
- should the request to transfer be denied, the student will be advised in writing by the Head of School, stating the reasons for refusing the request, and informing the student of his or her right to appeal the decision in accordance with 3.14 of the Guidelines (Complaints and appeals);
- the student may appeal the decision under the School's Complaints and Appeals Policy.

The School will maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file. For each student enrolled during the current period of approval, records, as relevant, in the student files of:

- completed 'request for release' statements
- the Head of School's decision in response to such requests and the reasons for the decision
- students requests for an appeal of the decision
- evidence that any appeal process as required by 3.14 of the Guidelines (Complaints and appeals)
- copies of any agreed letter of release to show that the student has the previous registered providers permission to transfer within the first six (6) months of their first registered course of study
- an enrolment offer from a new registered provider kept on the student's file
- if the student is under 18 years of age written confirmation that the student's parents and/or legal guardians supports the transfer
- if the student is under 18 years and is not being cared for in Australia by a parent or suitable nominated relative, a valid enrolment offer confirming that the receiving provider will accept responsibility for approving the student's accommodation, support and general welfare arrangements as specified in 3.11 of the Guidelines (Younger students)
- record evidence of the agreed letter of release being recorded in PRISMS

SCHEDULE 8 - Overseas student visa requirements policy

Course commencement

The Confirmation of Enrolment Form (CoE) created on PRISMS indicates the start and end date of the student's course duration (study period). The School's Enrolment's Officer will keep a record of the student's Confirmation of Enrolment (CoE) identifying the date of commencing and the intended date for completing the course for which the student is enrolled.

A course is considered to be:

- Junior Secondary (7-10)
- Senior Secondary (11-12)

The study period for International students is a maximum of 24 weeks from the commencement of the course.

Completion within Expected Duration Of Study:

The Head of School and the Director of Studies will monitor, record and assess each student course progress with specific reference to ensuring that at all times each student is in a position to complete the course within the expected duration as specified on the student's CoE in PRISMS.

Part of the assessment of course progress at the end of each semester will include assessment of whether the student's progress is such that they are expected to complete their course within the expected duration of the course.

The School has, and implements, documented policies and procedures for monitoring the progress of each student to ensure that at all times the student is in a position to complete the course within the expected duration as specified on the student's CoE. In monitoring this enrolment load, the Head of School and the Director of Studies must ensure that in each compulsory study period for a course, the student is studying at least one unit that is not by distance or through online learning. This will be done by the Director of Studies issuing each student with a timetable providing adequate time for the course to be completed.

The Head of School will only extend the duration of the student's study where it is clear that the student will not complete the course within the expected duration, as specified on the student's CoE, as the result of:

- compassionate or compelling circumstances:
    - for example illness where a medical certificate states and/or other evidence provided by the student to justify that the student was unable to attend classes; or
    - where the School was unable to offer a prerequisite unit; or
    - due to Government imposed travel restrictions due to COVID-19 pandemic
- the School shows evidence of implementing its intervention strategies such as counselling provided to assist the student if the student is deemed at risk of not completing the course within the specified time or meeting satisfactory course progress, or
- an approved deferment or suspension of study has been granted.

Where there is a variation in the student's enrolment load which may affect the student's expected duration of study, the Head of School and the Director of Studies will record this variation and the reasons for it on the student's file. The Head of School and/or the Director of Studies will correctly report the student via PRISMS and/or issue a new CoE when the student can only account for the variation by extending his or her expected duration of study.

The School may allow the student to undertake no more than 25 percent of the student's total course by distance and/or online learning. However, it will not enrol a student exclusively in distance or online learning units in any compulsory study period. Hence, the Head of School and Director of Studies will ensure that courses undertaken by distance and/or online learning will not exceed 25 percent of the student's total pattern of study in any one year.

Except where permitted under the Relevant Legislation, the expected duration of study specified in the student's CoE must not exceed the CRICOS registered course duration. The Head of School and/or the Director of Studies will report variations in a student's enrolment load via PRISMS.

Course Progress

The Director of Studies will monitor, record and assess the course progress of each student for each unit of the course for which the student is enrolled in accordance with the School's documented course progress policies and procedures. Up-to-date academic records and assessments of the student at the end of each study period will be recorded and maintained by the Director of Studies. A written School Report on the student, outlining results of course assessments, course progress and including staff comments will be issued to the parents at the end of each course of study.

The Director of Studies will ensure each course has and implements documented course progress policies and procedures relating to that course, which will be provided to staff and students, that specify the:

- requirements for achieving satisfactory course progress and attendance requirements
- procedures for assessing satisfactory course progress and attendance requirements
- procedure for intervention for students at risk of not meeting satisfactory course progress and/or attendance requirements
- procedure for determining the point at which the student has not met satisfactory course progress and/or attendance requirements, and
- procedure for notifying students that they have not met satisfactory course progress and/or attendance requirements.

The School will assess the course progress of the student in accordance with the School's course progress policies and procedures at the end point of every study period.

The School will maintain a documented intervention strategy, which will be made available to staff and students, that specifies the procedures for identifying and assisting students at risk of not meeting the course progress requirements. The strategy must specify:

- procedures for contacting and counselling identified students
- strategies to assist identified students to achieve satisfactory course progress, and
- the process that activates the intervention strategy.

The Director of Studies, in conjunction with the Director of Learning and Teaching, will monitor students at risk, and guide them into the Student Support Services programme.

The School will implement the intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements. At a minimum, the intervention strategy will be activated where the student has failed or is deemed not yet competent in 50 percent or more of the unit.

To demonstrate satisfactory course progress, students will need to achieve competency in 50% or more of units in any semester of enrolment. This could be indicated by a Grade A-C in 50% or more of their units reported in the Semester 1 or 2 reporting cycle.

If a student does not achieve competency in 50% or more of units in any semester of enrolment, the student's Mentor, Head of House and Deputy Head of School (as required) in conjunction with the Director of Learning and Teaching will meet with the student to develop an intervention strategy for academic improvement. This may include:

- additional help from the classroom teacher outside of class time (e.g. lunch) and/or the provision of further resources (e.g. websites, texts) that the student could consult to support their learning
- learning support assistance through the after-School Homework Centre in the School Library
- assistance with time management, planning, organisation and/or study skills
- voluntary sessions with the School Psychologist
- learning support sought through the Director of Learning and Teaching and the Learning Support staff
- other intervention strategies as deemed necessary by the Deputy Head of School.

A copy of the student's individual strategy and progress reports in achieving improvement will be forwarded to the parents.

The student's individual strategy for academic improvement will be monitored over the following semester by the Director of Learning and Teaching and the Head of House, and a record of the student's response to the strategy will be maintained.

Where the School has assessed the student as not achieving satisfactory course progress and/or attendance requirements after following an intervention programme as outlined in 3.16.5, the Director of Studies must notify the student in writing of the intention to report the student for not achieving satisfactory course progress and/or attendance requirements through PRISMS and the reasons for this decision. The written notice must inform the student that he or she is able to access the Schools Complaints and Appeals process and that the student has 20 working days in which to do so.

Where the student has chosen not to access the Complaints and Appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the School's assessment, the Head of School and/or the Director of Studies must notify the TPS Director and the Secretary through PRISMS within five business days that the student is not achieving satisfactory course progress and/or attendance requirements.

A copy of all documents relating to course progress, academic records, assessment outcomes, any intervention or support strategy implemented, including medical certificates and/or records

of counselling, and attendance records, written notice informing the student that the School intends to report the student through PRISMS for not meeting satisfactory course progress and or attendance requirements, any complaint and appeal made by the student and written evidence of the student being notified of the outcome of the process, and the reporting of unsatisfactory course progress through PRISMS will be stored on the student's file.

Monitoring Attendance

The School records the attendance of each student for the scheduled course contact hours for each CRICOS registered course that the student is enrolled in, which is:

- an accredited vocational and technical education course
- an accredited school course
- an accredited or non-award ELICOS course, or
- another non-award course.

An electronic Roll Marking system is used at the beginning of each School day to mark the Roll and record School Attendance. Individual class teachers keep a Roll of their classes each lesson.

Student attendance is recorded daily on the School's Roll Marking system (TASS). This system also keeps a record and calculates number of days absent over any Term or Semester period, and including late arrival at School. The Deputy Head of School and Heads of House regularly monitor and assess any recurring late arrivals, long term absenteeism or pattern of absenteeism noted by the Student Support Officer.

All absences from School are to be accompanied by a medical certificate, an explanatory communication from the student's approved legal guardian, or evidence that leave has been approved by the Head of School.

Records of any evidence relating to compassionate or compelling circumstances for absenteeism will be kept in the student's file.

Any absences from School for a period longer than five consecutive days without approval will be investigated by the Deputy Head of School in conjunction with the relevant Head of House.

Students at risk of breaching the School's attendance requirements will be counselled by the Deputy Head of School and/or relevant Head of House, and offered any necessary support when they have unexplained absences or unauthorised leave totalling 24 hours (2 days) during an assessment period.

Written records of any intervention action, including counselling and support strategies, will be kept on the student's file.

The School will regularly assess the attendance of the student in accordance with the School's attendance policies and procedures.

Where the School has assessed the student as not achieving satisfactory attendance, the School will notify the student in writing of its intention to report the student for not achieving satisfactory attendance. The written notice will inform the student that he or she is able to access the School's Complaints and Appeals process and that the student has 20 working days in which to do so.

If the calculation used by the School's Roll Marking System (TASS) shows that the student has passed the attendance threshold for the study period without any satisfactory explanation or documentary evidence, the Deputy Head of School will advise the student in writing of its intention to report the student to the DESE through PRISMS for not achieving satisfactory attendance, and that the student has 20 working days in which to access the School's internal Complaints and Appeals process

Where the student has chosen not to access the School's Complaints and Appeals process within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the School, the Head of School must notify the TPS Director and the Secretary of DESE through PRISMS within five business days that the student is not achieving satisfactory attendance.

For the vocational and technical education and non-award courses, the School may only decide not to report the student for breaching the 80 percent attendance where:

- that decision is consistent with its documented attendance policies and procedures
- the student records clearly indicate that the student is maintaining satisfactory course progress
- the School confirms that the student is attending at least 70 percent of the schedules course contact hours for the course in which he or she is enrolled.

Where permitted by the Guidelines, the School may decide not to report a student for breaching the 80 percent attendance requirement where:

- the student produces documentary evidence clearly demonstrating that compassionate or compelling circumstances (eg illness where a medical certificate states that the student is unable to attend classes; or travel restrictions due to COVID-19 pandemic) apply, and
- that decision is consistent with its documented attendances policies and procedures, and
- the School confirms that the student is attending at least 70 percent of the schedules course contact hours for the course he or she is enrolled in.

In the event that a student is assessed as having nearly reached the threshold of 80 percent attendance but no less than 70 percent attendance, the Deputy Head of School in consultation with the Director of Studies will assess whether a suspension of studies is in the interests of the student as per the School's Deferring, Suspending or Cancelling Policy for International Students.

If the student does not obtain a suspension of studies under the School's Deferring, Suspending or Cancelling Policy for International Students, and falls below the 80 percent threshold for attendance, the process for reporting the student for unsatisfactory attendance will occur.

Any report made through PRISMS about the student' failure to meet attendance requirement will be kept in the student's file.

Mode of delivery

The School's courses are not to be delivered only online or by distance. All courses are delivered face to face but may include online components to assist with the delivery of the course.

SCHEDULE 9 - Deferring, Suspending or Cancelling the Student's Enrolment Policy

1. Deferring of Commencement of Study initiated by the student

a) The School may only defer the enrolment of an overseas student if there are compassionate and compelling circumstances. These include but are not limited to:
   - illness, where a certified medical certificate states that the student was unable to attend classes
   - bereavement of close family members such as parents, siblings or grandparents (where possible a certified death certificate should be provided)
   - major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on studies
   - Government imposed travel restrictions due to COVID-19 pandemic
   - a traumatic experience which has impacted on the student (these cases should be where possible supported by police or psychologists' reports)
   - failure of the student to meet English testing standards to ensure success at school
   - misbehaviour by the student

b) The final decision for assessing and granting a deferment of commencement of studies lies with the Head of School and/or the Head of Finance and Business Services.

c) The Head of School and/or the Head of Finance and Business Services will notify the Secretary of DESE via PRISMS of the deferring of commencement of studies, depending on the student's CoE status.

2. Suspending of study initiated by the student

A suspending of studies occurs when an enrolment is suspended for a period of time under compelling circumstances as determined by the Head of School and/or the Head of Finance and Business Services.

b) Once the student has commenced the course, the School may only suspend an enrolment of an overseas student in compassionate and compelling circumstances. These include but are not limited to:
   - illness, where a certified medical certificate states that the student was unable to attend classes
   - bereavement of close family members such as parents, siblings or grandparents (where possible a certified death certificate should be provided)
   - major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on studies
   - Government imposed travel restrictions due to COVID-19 pandemic
   - a traumatic experience which has impacted on the student (these cases should be where possible supported by police or psychologists' reports)

c) The Head of School and/or the Head of Finance and Business Services will notify the Secretary of DESE of the suspending of studies via PRISMS depending on the student's CoE status.

d) The period of suspension will not be included in attendance calculations.

e) The final decision for assessing and granting a deferment of commencement of studies lies with the Head of School and/or the Head of Finance and Business Services.

3. Assessing requests for deferring or suspending studies initiated by the student

(a) Requests for deferring or suspending of studies initiated by the student will be assessed on merit by the Head of School and/or the Head of Finance and Business Services.

(b) All requests for deferring or suspending of studies initiated by the student will be considered by the Head of School and/or the Head of Finance and Business Services within 10 working days.

4. Exclusion from class (1 - 28 days)

(a) The School may exclude a student from class studies on the grounds of misbehaviour by the student. Exclusion will occur as the result of any behaviour identified as resulting in exclusion by the School's Behaviour Management Policy.

(b) An excluded student must abide by the conditions of their exclusion from studies which will depend on the welfare and accommodation arrangements in place for each student and which will be determined by the Head of School and/or the Deputy Head of School.

(c) Where the student is provided with homework or other studies for the period of exclusion, the student must continue to meet the academic requirements of the course.

5. School initiated suspending of studies (28+ days)

(a) The School may initiate a suspending of studies for a student on the grounds of misbehaviour by the student. Suspension will occur as the result of any behaviour identified as resulting in exclusion of School Behaviour Management Policy.

(b) A suspended student must abide by the conditions of their exclusion from studies which will depend on the welfare and accommodation arrangements in place for each student and which will be determined by the Head of School and or the Deputy Head of school.

(c) A student who has been suspended for more than 28 days may be required under the terms and conditions of the Australian Government's Student Visa Programmeme and the DHA, to return to his/her home country unless special circumstances exist (e.g. the student is medically unfit to travel).

(d) The Head of School and/or the Head of Finance and Business Services will notify the Secretary of DESE of the suspending of studies via PRISMS depending on the student's CoE status.

6. Cancelling of enrolment initiated by the student

A cancelling of enrolment occurs when a family decides to withdraw from enrolment procedures, or the School determines that the enrolment is no longer viable.

(a) The School will cancel the enrolment of a student under the following conditions:

- failure to pay course fees
- failure to maintain approved welfare and accommodation arrangements (Visa condition 8532).

- any behaviour identified as resulting in exclusion by the School's Behaviour Management Policy.

(b) The Head of School and/or the Head of Finance and Business Services will report failure to maintain satisfactory course progress and failure to maintain satisfactory attendance to the Secretary of DESE via PRISMS depending on the student's CoE status.

(c) The Head of School and/or the Head of Finance and Business Services will inform the student in writing of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and will notify the student that he or she has 20 working days to access the School's internal complaints and appeals process. If the student accesses the School's internal complaints and appeals process, the suspension or cancellation of the student's enrolment is not to take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

SCHEDULE 10 - Complaints and Appeals Policy

The purpose of this policy is to provide the opportunity to access procedures to facilitate the resolution of a dispute or complaint and to outline the principles applied to the handling and resolving of all disputes and complaints made to the School involving staff, students and parents. The Internal Complaints and Appeals processes are conciliatory, not legally binding and less formal than legal proceedings.

Employees of the School are responsible for managing the resolution of enquiries, concerns, complaints and appeals lodged by students, parents and members of the School community. Staff will make every effort to resolve all enquiries, concerns, complaints and appeals promptly and in accordance with procedural fairness and natural justices.

The Head of School is responsible for establishing and maintaining processes for the management and review of enquiries, concerns, complaints and appeals.

A Complaints and Appeals Register is kept by the PA to the Head of School. Complaints and Appeals are reviewed regularly by the School's Executive staff.

The following principles apply:

- the well-being of a student or group of students is a priority
- the process is accessible to all parties and there is a commitment to cooperation by School Staff
- procedural fairness is afforded to all parties
- the respondent to the complaint is informed of its substance
- confidentiality is maintained as appropriate and/or required
- complaints and appeals are monitored and their management evaluated to pre-empt systemic and/or recurring issues
- all persons in the School community are entitled to respect and courtesy
- complainants and appellants are entitled to be dealt with fairly and promptly
- procedures for lodging a formal complaint and/or an appeal are communicated to the School community
- each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself
- each party may be accompanied and assisted by a support person at any relevant meetings
- the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome
- the process will commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as possible
- the Head of School will appoint an independent investigator as required when dealing with a complaint or an appeal.

Procedures

Students and parents or members of the School community may lodge a complaint or an appeal, either informally or formally including a written submission with the Head of School. This may be about the provision of education and/or conduct of a School employee. If the complaint involves the Head of School, the complaint may be lodged with the Chairman of the School Board.

The School is to respond to any complaint or appeal an overseas student makes regarding his or her dealings with the School, its education agents or any related party the School has an arrangement with to deliver the overseas student's course or related services.

Assessment of a complaint or appeal must commence within 10 working days and must be finalised as soon as practicable. Appropriate confidentiality will be maintained between parties involved and support persons (including Unions or other professional associations).

The Head of School must:

- maintain confidentiality (as appropriate and required) and impartiality
- ensure complaints and appeals are resolved
- ensure that procedures for resolving complaints and appeals are communicated to Staff and parents
- ensure complainants and appellants are aware that they can have a support person present during discussion
- ensure complainants and appellants are aware that they can formally present his or her case at minimal or no cost to him or herself
- keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.

An Investigator will be appointed by the Head of School and is to follow direction from the Head of School and the principles of procedural fairness. The Investigator will inform the Head of School of the findings of the investigation. The Head of School consider the investigator's findings and decide whether to adopt those findings or make her own findings. The Head of School will inform the complainant and the appellant of the findings. In the case of International students and their parents and/or guardians a suitable interpreter will be provided for the duration of the procedures.

Complaints against other Students

Grievances brought by a student against another student will be dealt with under the School's Behaviour Management Policy.

Informal Complaints and Appeals Resolution

- in the first instance, Newcastle Grammar School requires that there is an attempt to informally resolve the issue through mediation or informal resolution of the complaint and appeal.
- the student or parent and/or guardian on behalf of the student should contact the Head of House, for students from Years 7-12, or the Head of Primary, for students from Kindergarten to Year 6, in the first instance to attempt mediation and an informal resolution of the complaint and appeal.

- if the matter cannot be resolved to the satisfaction of all parties involved through mediation and an informal resolution, it will then be referred to the Deputy Head of School or the Director of Studies and the School's internal Formal Complaints and Appeals handling procedure will be followed.

Formal Complaints and Appeals Handling Procedure

- the process of this grievance procedure is confidential and any complaints or appeals are a matter between the parties concerned and those persons directly involved in the complaints and appeals handling process.
- the student or parent must notify the School in writing of the nature and details of the complaint or appeal.
- written complaints or appeals are lodged with the Head of School.
- where the Internal Complaints and Appeals process is being accessed because the student has received notice from the School that the School intends to report the student for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student has 20 days from the date of notification in which to lodge a written appeal.
- internal Complaints and Appeals processes are usually available to students and/or parents at no cost. Should a cost be incurred then the student will be advised of the minimal amount involved.
- each complainant and appellant has the opportunity present his/her case to the Head of School.
- students, parents and/or guardians may be accompanied and assisted by a support person at all relevant meetings.
- assessment of the complaint or appeal must commence within 10 working days of the lodgement of the complaint or appeal to the Head of School.
- once the Head of School has made a decision regarding the complaint or appeal, the student will be informed in writing of the outcome and the reason(s) for the outcome.
- if the grievance procedure finds in favour of the student, Newcastle Grammar School will immediately implement the decision and any corrective and preventative action required.
- Newcastle Grammar School will finalise all complaints and appeals as soon as practicable.
- the student is required to maintain normal enrolment and attendance at all classes during the complaint and appeals process unless the School determines otherwise.

External Appeals Process

- if the complaints and appeals procedure does not find in favour of the student or the student is dissatisfied with the result of the complaints and appeals procedure, the student will be informed in writing by the Head of School and/or the Head of Finance and Business Services of the External Complaints and Appeals process available at minimal or no cost.
- the external body used for Newcastle Grammar School's External Complaints and Appeals processes is the Association of Independent Schools (AIS). The School must give the overseas student the contact details of the appropriate complaints handling and external appeals body.

Definitions

- working day – any day other than Saturday, Sunday or public holiday.

- support person – a friend / teacher / relative not involved in the grievance. It should be noted that the support person is there for support and not to be an advocate on behalf of the student. Therefore, a student's lawyer and/or education agents are not regarded as acceptable support persons at internal stages of the complaints and appeals handling process.