



Tuition Protection Services for International Students

The ESOS Act 2000 protects the tuition fees paid by international students by placing placement and refund obligations on providers in different default situations and through the Tuition Protection Service, it is an initiative of the Australian Government to assist international students and eligible domestic students accessing a VET Student Loan, FEE-HELP or HECS-HELP loan, whose education providers are unable to fully deliver their course of study.

One of the main objectives of the TPS is to ensure that the placement and refund processes for students are quick and streamlined. The default notification requirements are to ensure students are looked after following a default in a timely way.

General Tuition Protection Services Principles

Under the TPS framework, United Institute:

- Is expected to meet our default obligations under the ESOS Act 2000;
- Provide accurate and timely reporting on student enrolments;
- Is to contribute annually to the TPS;
- Has the opportunity to place students who are referred to the TPS in a suitable alternative course; and
- Is under no obligation to accept a student that has sought a placement following another provider's default.

Student Defaults

Under section 47B of the ESOS Act, United Institute must enter into a written agreement with each international student or intending international student that outlines the refund requirements that apply if the student defaults and meets the requirements set out in the national code. Failing to enter into an agreement that complies with section 47B is an offence under section 47F of the ESOS Act, and serious penalties will apply.

When an international student accepts a place with United Institute, the student is to sign and return the *International Student Acceptance of Offer & Agreement* document prior to their place being confirmed with us. The document clearly outlines the situations when United Institute is required to notify the TPS Director and Secretary when a student defaults.

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



- The student does not start the course on the date of commencement, and has not withdrawn from the course already;
- Withdraws from the course (either before or after the agreed starting day); or
- Where United Institute will not provide, or continue providing the course to the student because of one or more of the following:
 - The student failed to pay an amount payable to the provider for the course;
 - The student breached a condition of his / her student visa;
 - Misbehaviour by the student (**Note.** The student is entitled to access the Complaints and Appeals process prior to the decision being finalised under subsection 47A(3)).

It is important to note that a student does not default for failing to start a course on the agreed starting day if the reason for them not commencing the course is because United Institute defaulted in relation to the course under section 46A(1)(a)(i) of the ESOS Act.

Where a student is entitled to a refund, we will disburse the refund in accordance with our Refunds policy within **10 business days** from the date of the default occurring.

United Institute Defaults

United Institute will strive to ensure that a default is avoided to ensure that our learners have a smooth and memorable training experience with us. Under section 46A of the ESOS Act, United Institute defaults in relation to an overseas student or intending overseas student in relation to a course at a location, if:

- We fail to provide the course to the student at the location on the agreed commencement date; or
- After the course commences, but before it is completed, we cease providing the course to the student and the student has not withdrawn from the course before we cease providing the course.

In accordance with section 46D of the ESOS Act 2000, should a default occur, we will discharge our obligations to our students by providing them with a refund as outlined in our Refunds policy. A refund will be disbursed to the student within **10 business days** from the date of the default occurring.



Student Default Procedure

- 1 Confirm the information and speak to the student immediately** – the Student & Administration Support personnel is to review the information to confirm that the student has indeed defaulted and there was no miscommunication or misunderstanding between us and the student. If there is a default where the student has not showed up on the first day of the course, the student is to immediately be contacted to confirm their whereabouts and remind them that they should be in class. Inform them of the consequences for failing to commence training. If there is a default where payment has not been received, contact the student to enquire about the payment and if they have remitted the funds. If they are expressing financial difficulties, we should try to support them and try to work out a payment plan for the student. Be sure to leave notes on the student's file on RTO Manager.
- 2 Inform the CEO** – the CEO is to be informed immediately regarding the default via e-mail, once it is confirmed that they have defaulted and it is not an error, and the student has been spoken to.
- 3 Formally notify student** – the student is to be formally notified of their default. The notice should include:
 - What has triggered the default;
 - What we have attempted to do to avoid them facing a default; and
 - What happens next.
- 4 Provide a refund according to our Refund policy (if applicable)** – should the student be entitled to a refund; the Accounts team is to refund the amount in accordance with our Refund policy. This refund is to be actioned no later than **10 business days** from the date of the default occurring, in accordance with section 47D and 47E of the ESOS Act. Be sure to leave notes on the student's file on RTO Manager.
- 5 Notify the TPS Director and Secretary of the outcome (if applicable)** – the CEO is responsible to report the outcome of our obligations under section 47E of the ESOS Act, United Institute, where we are required to provide a refund under section 47E of the ESOS Act within **7 days**. To meet TPS' reporting obligations, United Institute will only need to report as to whether we have provided a refund to a student in two cases of student default:
 - Where a student's visa is refused, even if there is a compliant written agreement in place; or
 - Where there is no compliant written agreement in place.

United Institute Default Procedure



- 1 Notify the TPS Director and Secretary, and ASQA** – when we are not able to provide the course on the date of commencement, or mid-way through the training program, we are to notify the TPS Director and Secretary, and ASQA of the default in writing within **3 business days** of the default occurring. It is best practice to notify them on the day of the default occurring itself to avoid any serious penalties. The notice must include:
 - The circumstances of the default;
 - The details of the students in relation to whom we have defaulted on;
 - Advice as to:
 - Whether we intend to discharge our obligations to the students under section 46D; and
 - How we intend to discharge those obligations (if appropriate).
- 2 Notify the students** – the CEO is also to inform the affected students in writing within **3 business days** of the default occurring. The notice must include:
 - What has occurred;
 - Why we are no longer providing this training;
 - What happens next;
 - The students' rights; and
 - Any specific requirements as instructed by the Minister.
- 3 Provide a refund according to our Refund policy** – the Accounts team is to refund the amount in accordance with our Refund policy. This refund is to be actioned no later than **10 business days** from the date of the default occurring, in accordance with section 47D and 47E of the ESOS Act. Be sure to leave notes on the student's file on RTO Manager.
- 4 Notify the TPS Director and Secretary of the outcome (if applicable)** – under section 47E of the ESOS Act, United Institute are to report the outcome of our obligations, where we are required to provide a refund under section 47E of the ESOS Act within **7 days** after the end of our obligation period. To meet TPS' reporting obligations, United Institute will only need to report as to whether we have provided a refund to a student in two cases of student default:
 - Where a student's visa is refused, even if there is a compliant written agreement in place; or
 - Where there is no compliant written agreement in place.

TPS – Student Default Process Flow-Chart

Student defaults



Confirm the information surrounding the circumstances of the default

N

Y

Speak to the student about the matter and the consequences

Refund required?

Accounts team to action refund within 10 business days

Formally notify student of the default

Notify the TPS Director & Secretary within 7-days

Inform the CEO

Leave notes in the student's file on RTO Manager

Student defaults

Confirm the information surrounding the circumstances of the default

N

Y

Speak to the student about the matter and the consequences

Refund required?

Accounts team to action refund within 10 business days

Formally notify student of the default

Notify the TPS Director & Secretary within 7-days

Inform the CEO

Leave notes in the student's file on RTO Manager

TPS – United Institute Default Process Flow-Chart

United Institute defaults

Notify the TPS Director and Secretary within 3 business days

Notify ASQA within 3 business days

Provide a refund according to our Refund policy



Notify the TPS Director & Secretary of the outcome within 7-days

Notify the students within 3 business days

Leave notes in the student's file on RTO Manager

United Institute defaults

Notify the TPS Director and Secretary within 3 business days

Notify ASQA within 3 business days

Provide a refund according to our Refund policy

Notify the TPS Director & Secretary of the outcome within 7-days

Notify the students within 3 business days

Leave notes in the student's file on RTO Manager