Deferment, Suspension and Cancellation Policy

1. Purpose

1.1. **Worldwide Skills Development Pty Ltd t/a The Future Culinary Academy (herein referred to as "FCA")** has implemented a documented process for assessing, approving, and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining records of any decisions.

1.2. The purpose of this policy is to ensure that students are informed of the grounds on which their enrolment may be deferred, suspended, or cancelled as per the ESOS Act, National Code 2018.

1.3. This policy is designed to reflect Standard 9 of the National Code 2018 (Registered providers may only enable students to defer or suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances).

1.4. The purpose of this policy is to outline the circumstances in which the student can defer, suspend, or cancel their enrolment with Future Culinary Academy and where Future Culinary Academy can initiate the suspension or cancellation of the student's enrolment on grounds of compassionate or compelling circumstances or in the event of misconduct by students.

2. Scope

2.1. This policy applies to all international students and staff of the Future Culinary Academy.

3. Responsibility

3.1. The CEO/Student Support Officer will be responsible for the implementation of this policy.

3.2. The decision to defer commencement of studies, suspend studies or cancel enrolment will be approved by an authorised staff member of the Student Administration Department.

3.3. In confirming this decision, Student Administration Department may consult with other relevant departments in FCA. Administration Department will be responsible for confirming all necessary actions required under these procedures, including notification on PRISMS and other record keeping.

3.4. FCA will maintain records of all the decisions made by the institute in terms of deferral, suspension, and cancelation of students by the institute or by Students.

4. Definitions

4.1. **Deferral:** means delay or postponement of enrolment in, or the continuation of, a program of study for a period initiated by the student.

4.2. **Withdrawal** occurs when discontinuation of a program of study in which the student is enrolled is initiated by the student.

4.3. **Suspension**: To put studies on hold for a specified period. It means when a student has already started but has not completed his /her study or is given leave of absence, so their training plan is suspended with the clear intention that the student will recommence at an agreed date in the future (i.e., temporary suspension).

4.4. **Cancellation**: Termination of enrolment. It means when a student is removed from the current students' register at FCA before he/she has formally completed the planned training and other current qualifications. The student will not be eligible for any subsequent courses for which they may also be registered.

4.5. **Compassionate or compelling circumstances:** Circumstances that are generally beyond the control of the student and which have an impact upon the student's course progress or well-being. These could include:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes

- bereavement of close family members such as parents or grandparents (where possible, a death certificate should be provided)
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted the student's studies; or
- a traumatic experience which could include:
  - involvement in, or witnessing a serious accident; or
  - witnessing or being the victim of a serious crime, and this has affected the student (these cases should be supported by police or psychologists' reports).
- where the registered provider was unable to offer a pre-requisite unit; or
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

4.6. **Extenuating circumstances**: Relating to welfare of students, include the following. The student:

a. Overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.
b. is missing.
c. has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing.
d. has engaged or threatens to engage in behavior that is reasonably believed to endanger the student or others; or
e. is at risk of committing a criminal offence.

Any claim of extenuating circumstances is required to be supported by appropriate evidence.

4.7. **Student Code of Conduct**: The code of conduct are certain rules and regulations that students are required to follow. These include:

- serious misbehavior,
- Student failure to pay an amount required to pay to continue the course,
- Breach of any course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).

4.8 **PRISMS:** Provider Registration and International Student Management System.

4.

5. Requirements/ Process

5.1. Students wishing to defer the commencement of studies, suspend their studies or cancel their enrolment must apply to do so in writing to FCA. This can be done using the student deferral suspension form or the cancellation application form available from FCA's reception or on the FCA website www.thefca.edu.au.

5.2. The form can be lodged using any one of the following methods.

- In person (preferred method): **Mr Dilpreet Singh Bagga**
  (Reception or relevant Management Member)
  By Email: www.thefca.edu.au
  By Mail: contact@thefca.edu.au

Applications must be submitted within 10 working days prior to the requested deferment/suspension date to enable sufficient time for the assessment process.
Please note: Applications will not be accepted any earlier than 10 working days prior to any deferral or suspension of a course. If the application is submitted in less than 10 working days prior to the requested deferment/suspension date (see 5.5 for response time), the processing and response may not be available at the requested time. Therefore, if the student chooses to depart, he/she is at risk of not obtaining approval from the institute.

5.3. Students will be informed in writing with reason and the request will be processed if the student is granted a deferral, suspension, or cancellation.

5.4. If the request is denied, student will be informed in writing and provided with details of the Complaints and Appeals procedures of the institute. Refer to the students Complaints and Appeals policy available on the Future Culinary Academy' website and/or in the Student's Handbook.

5.5. The response will be issued within 5 working days after being received by the Institute.

5.6. FCA will report to PRISMS and renewal of eCoE (if applicable) will be issued within 5 working days after the suspension or deferment date.

#PRISMS is only applicable to international students

5.7. It is the student's responsibility to collect revised eCoE from the institute for any deferral/suspension made. Institute will advise the Department of Home Affairs (DHA) of the revised end date of the course via PRISMS.

5.8. Students can also use eCoE to inform the Department of Home Affairs (DHA) of the revised end date of the course where their visa requires extension.

5.9. Institute will review the application and if appropriate, the current student history, and financial status before making a decision.

5.10. Requests for suspension will be denied for students who are subject to an intervention strategy, in the process of being cancelled for course progress, in arrears with the payments due (either because of the payment being due under the student agreement or as a result of payment being due under an agreed payment plan) or in breach of the Student Code of Conduct.

5.11. When students' studies are deferred or suspended, student's details will be updated on PRISMS, which will include students contact details and the expected duration of the deferment or suspension and the date when deferment or suspension starts.

5.12. When a student's studies are terminated (whether by the student), in addition to the student's contact details, student's termination and last day of studies will be updated on PRISMS.

6. Future Culinary Academy initiated Deferral, Suspension and Cancellation

i. Future Culinary Academy initiated Deferral

FCA may defer an enrolment where the course is not being offered at the proposed date, site, or for any other reason that FCA deems necessary. In this unlikely event, the refund provisions for provider default will apply. In exceptional circumstances, FCA may be unable to deliver unit/units because of factors beyond its control. Where this situation exists (or one or more of the units that cannot be delivered is a prerequisite unit) students can have their study load adjusted and a deferral may be applied for. This basis for deferral is only available if the student can schedule units of competency so that they can complete their studies within the approved duration.

ii. Future Culinary Academy initiated Suspension or Cancellation

Where a student has been identified as having breached FCA's code of conduct (for e.g., misbehavior, failure to pay the required amount to pay to continue the course), the CEO shall be informed as soon as possible. All the facts and evidence associated with the alleged misdemeanor or misbehavior must be presented to the CEO for due consideration.

If an overseas student has breached course progress or attendance requirements, action will be taken in accordance with Standard 8 (Overseas student visa requirements).

CEO is responsible for deciding whether there has been a breach based on the evidence presented and for deciding the ensuing penalty (i.e., suspension or cancellation of enrolment). CEO may consider the type of misconduct that has occurred and the level of misconduct that occurred when deciding penalties.

Students will be advised in writing of the decision. Students will be advised that they have 20 working days to access FCA's Complaints and Appeals procedure if they feel that the decision is unfair, or they have other grounds to appeal the decision before the decision to suspend enrolment is implemented. A student course variation will be notified in PRISMS. All relevant documentation will be retained securely and confidentially in the student's file.

iii. Future Culinary Academy initiated Cancellation

FCA has the right to cancel a student's enrolment where the student's misconduct is severe (as defined in the policy above). Students will be informed in writing of the intention and the reasons why their enrolment has been cancelled.
Where the CEO has decided the misconduct is severe enough for cancellation, the following will occur:

- The student will be informed in writing of the reason and decision of the FCA to cancel the student's enrolment.
- They will be informed of the fact that they have the right to appeal against the decision through the Future Culinary Academy's internal Feedback complaints and appeals process, in accordance with Standard 10 (Complaints and appeals) within 20 working days of the written notification.
- No action will be taken until the internal appeals process has been finalised or if the student has failed to initiate an appeal within 20 working days, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.
- Students will also be informed that if FCA notifies the Department of Home Affairs ("DHA") of the cancellation, their student visa may be affected.

Once the appeals process is finalised and the decision to cancel is upheld, FCA will inform DHA through PRISMS of the intention to cancel the student's enrolment. The change will be reported to overseas student's enrolment under section 19 of the ESOS Act.
All copies of relevant documentation will be retained securely in the student's file.

Note: If the Future Culinary Academy initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation,

- students will be informed of the intention and the reasons for doing so, in writing.
- advise the overseas student of their right to appeal through FCA's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

7. Deferral, Suspension or Cancellation of Enrolment Procedure (Students Initiated)

FCA has implemented and documented a process for assessing, approving, and recording deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.

i. Students Initiated Deferral

A student wishing to defer an enrolment can do so prior to the commencement of the course. Students must complete an 'Application to defer, suspend or cancel enrolment' and submit it to the Student Administrations Department. An authorised person from the Administration Department will assess the applications.

A decision will be made within 10 working days. Students will be advised of the decision in writing. If approved, a student's course variation will be reported in PRISMS. All relevant documentation will be kept in the student's file.

ii. Student-Initiated Suspension

Students who wish to suspend their studies should first speak to a staff member in the Administration Department to get an application form and should ensure that they understand the reasons that suspension may be granted. The application form will also be available on the Future Culinary Academy website www.thefca.edu.au.

The application form must be completed and submitted to the Student Administration Department. The Institute may decide to accept an application from a student for deferral of commencement or suspension of study on the following grounds:

a. On medical grounds (with supporting documents). Further documental evidence may be requested at the discretion of the institute; or
b. In exceptional compassionate and compelling circumstances beyond the students control and which affects the student's course progress or wellbeing, such as serious illness, bereavement of close family members, major political upheaval or natural disaster, a traumatic experience, or another exceptional event. Independent evidence of exceptional circumstances is required for the application to be assessed.

Criteria for accessing an exceptional event would include:

- Nature of the event, e.g., that it is an exceptional event
- Beyond the student's control — it cannot be scheduled at another time
- Likelihood to affect student's wellbeing, e.g., there are compassionate circumstances - if they do not attend, it will upset them and impact on their ability to study effectively and successfully.
- Impact on course progress, e.g., the impact of the length of time away on course progress and how the student intends to ensure completion within duration.

Note: the wedding of a family member or friend, a cultural celebration that is also celebrated by the community in Australia, or a holiday are not reasons for a deferment.

Applications will be assessed and approved by an authorised staff member from the Administration Department.

Where a suspension of enrolment is granted, FCA will suspend the student's enrolment for an agreed period - to a maximum of 12 months. If suspension is required for longer than 12 months, student shall have to re-apply once the initial suspension period has expired.

Students will be informed in writing of the outcome of their application for suspension and advised that it may affect their student visa. The student's course variation will be recorded in PRISMS. All relevant documentation for the suspension will be kept in the student's file.

iii. Student-initiated Cancellation

Students wishing to cancel their enrolment should advise FCA as soon as possible and complete wherever possible an 'Application to defer, suspend or cancel enrolment' and submit it to the Administration Department.

Students wishing to cancel their enrolment prior to completing 6 months of study in their principal course must provide a letter of offer from an alternative provider. This is required under Standard 7 of the National Code 2018 and further information can be gained from the 'Transfer between Providers Policy and Procedure'.

Upon receipt of an application to cancel, the student's course variation will be noted in PRISMS as soon as possible.
All relevant documentation for the cancellation will be kept in the student's file.

8. Students Right to Appeal (Complaints and Appeals)

8.1. Student has the right to appeal through FCA's complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days from the date of issue.

8.2. The suspension or cancellation of the student's enrolment will not take effect until the internal appeals process is completed, unless there are extenuating circumstances relating to the student's welfare, like overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

8.3. If the appeal is not upheld or the student withdraws from the appeal process, then the institute will report the student to the Department of Education and Department of Home Affairs (DHA) via PRISMS (applicable only to international students).

8.4. Refer to FCA's Feedback Complaints and Appeals Policy and procedure for detailed information on FCA's website www.thefca.edu.au or FCA's Student Handbook.

Note: When a deferral, suspension, or cancellation of enrolment occurs, the student must seek advice from the Department of Home Affairs regarding any possible impact on their student visa. Any change to the student's enrolment will be

reported on PRISMS in accordance with section 19 of the ESOS Act.

Related Documents

- Application form-Defer, Suspension, Cancel (Appendix 1)

Appendix 1

Application form- Defer, Suspension, Cancel

Student's Personal Details				
Full name:				
Student ID:		**USI No:**		
Course code & name:				
Address: **Post Code:**				
Phone no:				
Email ID:				
Request for: (Please tick the following)				
☐ **Deferment**	From:		Till:	
☐ **Suspension**	From:		Till:	
☐ **Cancellation**	From: Last date/day of the student's studies:			
Please tick the reason for request.				
☐ Medical Grounds ☐ Compelling/compassionate Reasons ☐ Future intake/Date ☐ Work Commitments ☐ Financial Circumstances ☐ Transferred to another course ☐ Visa Cancellation ☐ Others; Please specify Please mention the reason in detail: _____ _____ _____ _____ International students must state the reason and provide documentation for deferring/suspending their studies as FCA is required to notify this information to the Department of Home Affairs (DHA) via PRISMS. **Documents attached:** ☐ Medical Certificate ☐ Travel Documents ☐ Mails ☐ Supporting certificates ☐ Others; please specify				

Points to be noted:
• Please note that the institute will grant a deferral of your commencement or temporary suspension of your studies only if there are compelling and compassionate circumstances and the evidence for the following has been attached. • Students are advised to seek advice from the Department of Home Affairs on the potential impact on their student visa due to deferment, suspension, or cancellation. • In a case where deferment or suspension has not been granted, students are required to attend their classes at FCA as per their course schedule. Failure to do so may be seen as abandoning studies and students may be reported to the Department of Home Affairs. • Students have the right to appeal through the Future Culinary Academy' complaints and appeals process, in accordance with standards 10 (Complaints and appeals) of National Code 2018, within 20 working days. The deferment, suspension or cancellation will not take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. **Please note**: It is advised that students should not leave the country unless the student has a valid deferment or suspension, as cancellation of enrolment and abandoning studies might lead to cancellation of visa and student may not be allowed to enter Australia.
Student Declaration:
I understand that suspension or deferral may result in the extension of my course duration and an extended CoE, whereas, cancelling my course will result in the cancellation of my CoE. I also understand that deferment/suspension/Cancellation may affect my student visa and I need to seek advice from the Department of Home Affairs (DHA) on the potential impact on my student visa. □ I have been advised of all the relevant consequences of the outcome of my request. □ I have been advised of all the relevant information in relation to the request made on this form. □ I am aware of my right to appeal.

Student Signature:	**Date:**

OFFICE USE ONLY:				
Authorised person approval	**Name**			
	Signature		**Date:**	
Decision of Request	□ **Granted** □ **Not Granted**			
Decision granted/not granted by:	**Name:**			
	Signature:		**Date:**	
Course Adjustment (If required):				