

1. PURPOSE

To provide governance relating to compliance with the ESOS legislative framework in providing education and training to overseas learners through the key phases of the overseas learner journey.

2. SCOPE

Applies to all Holmesglen employees involved in the provision of education, training and support to overseas learners studying onshore holding a learner visa at the Institute.

3. POLICY STATEMENT

Holmesglen is committed to delivering quality education and training to overseas learners and has policies, procedures and documented process in managing overseas learners from marketing and recruitment to completion.

4. PRINCIPLES

4.1 Marketing and recruitment

- (i) Marketing and promotional materials to potential overseas learners contain true and accurate information pertaining to Holmesglen Institute, its courses and outcomes associated with its courses and includes its CRICOS registered name and registration number.
- (ii) Comprehensive, current and plain English information is provided to learners for them to make informed decisions about studying at the Institute. The *International Course Guide* is available to learners and are accessible on the Holmesglen website at www.holmesglen.edu.au.
- (iii) Prospective overseas learners' applications are either received via education agents that hold an Approved Agent Agreement with Holmesglen or in limited cases directly from the learner.

4.2 Enrolment

- (i) Suitability of overseas learners is assessed prior to enrolment which includes learners' English language proficiency; educational qualifications or work experience to ensure that these are sufficient to enable the learner to be admitted to the course. Holmesglen overseas learners must be 18 at the time of commencement of their first course of study.
- (ii) The refund of fees process and information is provided to overseas learners before formalisation of their enrolment. No more than 50% of tuition fees is claimed prior to enrolment, unless the learner or person responsible for paying fees requests to pay more or the course is 25 weeks or less.
- (iii) A documented process is in place for assessing and recording recognition of prior learning (RPL), and granting and recording course credit, where appropriate ensuring that the decision to assess prior learning or grant course credit preserves the integrity of the award to which it applies and complies with requirements of the underpinning educational framework of the course.
- (iv) The enrolment of overseas learners' is formalised through written agreements with the learner. The written agreements protect the rights and set out the responsibilities of Holmesglen and the learner, as well as the courses and related education services to be provided, tuition and non-tuition fees payable, and refund policies.
- (v) Records of all written agreements as well as receipts of payments made by learners under the written agreement are retained for at least two years after the overseas learner ceases to be an accepted learner.

4.3 Support and Progression

- (i) Holmesglen provides a thorough orientation program to support learners in adapting to living in Melbourne, Australia and studying at Holmesglen Institute. The orientation program provides information on the support services available to support learners' transition into life and study in Australia.
- (ii) Adequate employees and education resources are provided for the delivery of education and training and support to overseas learners.
- (iii) Access to learning support services consistent with the requirements of the course, mode of study and the learning needs of overseas learner cohorts is facilitated through documented processes for supporting overseas learners.
- (iv) A safe environment on campus is provided to all learners and information on safety, awareness relevant to life in Australia and on how to report a critical incident is provided to learners. Overseas learners are provided with information containing the contact details of emergency services and the contact officers at Holmesglen in the case of a critical incident.
- (v) Course attendance of learners enrolled in ELICOS courses are monitored to identify, notify and assist learners at risk of not meeting the requirements.
- (vi) Overseas learners at risk of not meeting course progress requirements are identified and the learners notified and assisted where there is evidence that the overseas learners are at risk of not meeting the requirements
- (vii) Overseas learners are provided with comprehensive, free and easily accessible information about Holmesglen's internal complaints handling and appeals process
- (viii) Unsatisfactory course progress or unsatisfactory course attendance are only recorded in PRISMS if the internal and external complaints processes have been completed and the decision or recommendation supports the Institute, or the overseas learners has chosen not to access the internal complaints and appeals process within the 20 working day period, or the overseas learners has chosen not to access the external complaints and appeals process, or the overseas learner withdraws from the internal or external appeals processes by notifying the registered provider in writing.
- (ix) Overseas learners are permitted to transfer to another provider after completion of the first 6 months of their principal course. Holmesglen must not knowingly enrol an overseas learner seeking to transfer from another registered provider's course prior to the overseas learner completing six months of his or her principal course, and exceptions to this requirement are documented.
- (x) A documented process is implemented for assessing overseas learner transfer requests prior to the learner completing 6 months of his or her principal course and is available to employees and overseas learners.
- (xi) In circumstances where a learner's application is refused, the learner is notified through correspondence with a written explanation and is informed of their right to appeal the decision through Holmesglen's complaints and appeals process. The learner's refusal status in PRISMS is not finalised until the appeal finds in favour of Holmesglen Institute, or the learner has chosen not to access the complaints and appeals processes within the 20 working day period, or the learner withdraws from the process.
- (xii) Holmesglen maintains records of all requests from overseas learners for a release and the assessment of, and decision regarding, the request for two years after the overseas learner ceases to be an accepted learner.
- (xiii) Applications for deferment of the commencement of study or suspension of study requested by an overseas learner is processed and learners are notified of the outcome and a record of decisions are kept in accordance to National Code and Holmesglen policies and procedures.
- (xiv) Suspension/cancellation of learner's enrolment that are initiated by Holmesglen are undertaken in accordance to the National Code and Holmesglen's policies and procedures.

4.4 Training and assessment

- (i) Training and assessment is offered on the basis of full-time study and is at least 20 scheduled course contact hours per week and at least two-thirds of the VET units being delivered is provided face to face and in each VET course study period, at least one unit is offered face to face.

4.5 Completion

- (i) Holmesglen monitors the progress of each overseas learner to ensure the overseas learner is in a position to complete the course within the expected duration specified on the overseas learner's Confirmation of Enrolment (CoE) and fulfil their visa requirements for course attendance and course progress.
- (ii) If the duration of the learner's enrolment is extended, the learner is advised to contact Immigration to seek advice on any potential impacts on their visa, including the need to obtain a new visa.
- (iii) Only learners assessed as meeting course or training package requirements are issued with certification.

5. ACCOUNTABILITIES

ESOS compliance is a Holmesglen Institute wide commitment and responsibility however specific accountabilities are as follows:

Action	Accountability
Education agents sign an approved agreement form and act in accordance with the ESOS Act.	Executive Director, International Education and Enterprise Solutions
All learners offered a place in a course at Holmesglen meet the course entry requirements.	Executive Director, International Education and Enterprise Solutions
Welfare of all overseas learners is monitored and support provided.	Executive Director, International Education and Enterprise Solutions
Training and delivery of courses to overseas learners meets the ESOS legislative requirements.	Executive Director, Education and Applied Research

6. DEFINITIONS

Term	Meaning
Overseas learners	<p>Overseas learners are 'overseas students' as defined within Section 5 of the ESOS Act.</p> <p>This includes the enrolment of a person, (whether inside or outside Australia) who holds a 'student visa' to undertake study in a course that is registered on the CRICOS Register.</p> <p>Persons with the following visas are excluded (as defined in regulation 1.03 of the Migration Regulations 1994):</p> <ul style="list-style-type: none">▪ a Subclass 576 (Foreign Affairs and Defence Sector) visa, or▪ a person who satisfies the secondary criteria, but not the primary criteria, under the Migration Regulations 1994 for the grant of the visa, or▪ a secondary exchange student within the meaning of the Migration Regulations 1994, or

Term	Meaning
	<ul style="list-style-type: none"> an overseas student who has been approved under a scholarship scheme, or an exchange scheme, sponsored by the Commonwealth to undertake a course of study or training in Australia.

7. CONTEXT AND/OR REFERENCED DOCUMENTS

Internal

Appeals Policy (Learners)
 Articulation and Credit Policy (Higher Education)
 Complaints Policy (Learners)
 Operational Authorisation Policy
 Third Party Agreement - Educational Services Policy
 Training and Assessment System Policy

External

Education Services for Overseas Students Act 2000
 Education Services for Overseas Students Regulations 2019
 Education Services for Overseas Students (Registration Charges) Act 1997
 Education Services for Overseas Students (TPS Levies) Act 2012.
 ELICOS Standards 2018
 National Code of Practice for Providers of Education and Training to Overseas Students 2018
 (The National Code 2018)

8. REVIEW

This policy must be reviewed no later than three years from the date of approval.

The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

9. VERSION HISTORY

Version Number	Date	Summary of changes
1	September 2019	New Policy.
2	October 2019	Updated list to include ESOS Regulations 2019 and Higher Education Articulation and Credit Policy in 'Context and/or Referenced Documents' and amendments.
3	November 2020	Amendment to Clause 4.2 (i).