

## ATHENA SCHOOL EXECUTIVE DIRECTIVE

# THE ATHENA SCHOOL LIMITED CRICOS PROVIDER #02266B

## POLICIES REGARDING OVERSEAS STUDENTS

The Athena School Limited is a registered education provider for both Primary and Secondary education from Kindy to Year 10. The School is approved for a maximum of 12 overseas students.

The course duration, including holiday breaks is the standard school year in New South Wales.

The courses are delivered classroom style with face-to-face teaching by qualified teachers. In the event of a pandemic then a hybrid model of teaching is used.

The Athena School has the staff and education resources, including facilities, equipment, learning and library resources on the premises to deliver the course to up to 12 overseas students alongside the local students.

Our policies are detailed below...

## ATHENA SCHOOL EXECUTIVE DIRECTIVE

### 3.1 – 3.3 COMPLIANCE WITH EDUCATION SERVICES FOR OVERSEAS STUDENTS (ESOS) ACT 2000 (am. 2015)

To deliver courses to overseas student, The Athena School Limited must be compliant to the legislative requirements under:

- the Australian Government's *Education Services for Overseas Students (ESOS) Act 2000* (amended 2015) (ESOS Act) section 9
- *ESOS Regulations 2019*
- the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* Part B (the National Code)
- the New South Wales *Education Act 1990* (Education Act).

It is the School's responsibility to abide by the current legislation and amendments at all times. Updated legislation can be accessed via the Australian Government's [ComLaw website \(www.comlaw.gov.au\)](http://www.comlaw.gov.au) and needs to be checked regularly and the School's policy and compliance is kept updated.

As such the School's CRICOS Policy must meet the requirements below:

Requirement		Reference
3.1	PEO certification of compliance with the ESOS Act	ESOS Act
3.2	Fit and proper test	ESOS Act 7A
3.3	Australian residency	ESOS Act 11
3.4	Marketing information and practices	National Code Standard 1
3.5	Recruitment of an overseas student	National Code Standard 2
3.6	Formalisation of enrolment and written agreements	National Code Standard 3
3.7	Education agents	National Code Standard 4
3.8	Younger overseas students	National Code Standard 5
3.9	Overseas student support services	National Code Standard 6
3.10	Overseas student transfers	National Code Standard 7
3.11	Overseas student visa requirements	National Code Standard 8
3.12	Deferring, suspending or cancelling the overseas student's enrolment	National Code Standard 9
3.13	Complaints and appeals	National Code Standard 10
3.14	Additional registration requirements including notifications to NESA	National Code Standard 11 Education Act
3.15	Application fees	Education Act

### 3.1 PEO certification of compliance with the ESOS Act

The Principal Executive Officer (PEO) for The Athena School Limited is the Business Manager, and the contact person is the Office Manager. It is their responsibility to ensure that the School is kept compliant with the requirements of the ESOS Act. This includes, but is not limited to, the obligations of registered providers as detailed in:

- 21A of the ESOS Act relating to education agents
- Part 3 of the ESOS Act relating to reporting to the Secretary
- Part 5 Division 2 of the ESOS Act relating to provider and student default.

To ensure compliance, the Office Manager is to review the legislation each term to ensure that the School's CRICOS policies and procedures are kept up to date and is to report to the Principal Executive Officer (PEO) whether or not any changes are required to policy or procedures.

These reports are signed off and kept in a Compliance File by the Office Manager. The Compliance File is maintained for the period of registration at which point it is retired, and a new file made for the next registration period.

### 3.2 Fit and proper test

A school provider, its associates and high managerial agents must be fit and proper to be registered to deliver programs to overseas students.

Registration on CRICOS is for the delivery of Kindy to Year 10 in NSW. In the event of a change of ownership of the registered school provider, NESA approval of the school provider ceases. The new entity may seek its own CRICOS registration by application to NESA for initial approval.

The Athena School must have in place for the current approval period, signed statutory declarations by the Business Manager, Office Manager, Principal and Deputy Principal who will be involved in delivering to overseas students. The statutory declarations should be downloaded from RANGS and once signed must be kept for the current period of approval.

### 3.3 Australian residency

The Athena School Limited is an Australian company Limited by Guarantee. It's registered address and only campus is at 28 Oxford Street, Newtown, NSW, 2042. The ASIC Registration Certificate is attached to this policy.

#### 3.15 Application fees

NESA will invoice for the fees to maintain approval to provide courses for overseas students and these must be paid within the period specified on the invoice. Any fees charged by any other authority must also be paid in a timely manner.

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The Athena School Limited

## ATHENA SCHOOL EXECUTIVE DIRECTIVE

### 3.4 MARKETING INFORMATION AND PRACTICES

The Athena School must ensure that the marketing of its education service is undertaken in a professional manner and maintains the integrity and reputation of the industry and registered providers.

All marketing and promotion of the School's services must not be false or misleading and consistent with Australian Consumer Law.

This means that in all marketing materials to overseas students, the school must:

- clearly identify the registered provider's name, CRICOS number and ABN in all written marketing and other material (e.g. Letters of Offer, Information Pack, etc.), including electronic format
- maintain records relating to the marketing and advertising to ensure accuracy and integrity used in relation to overseas students.
- not give false or misleading information or advice or make claims in relation to:
  - a. claims of association between providers
  - b. prerequisites – including English language proficiency – for entry to the course
  - c. any other information relevant to the course or outcomes associated
  - d. the employment outcomes associated with a course
  - e. guarantee a successful education assessment for the student or intending student
  - f. automatic acceptance into another course
  - g. possible migration outcomes
  - h. any other claims relating to the registered provider, its course or outcomes associated with the course.
- not actively recruit a student where this clearly conflicts with its obligations under the National Code *Standard 7 (Overseas Student Transfers)*

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## ATHENA SCHOOL EXECUTIVE DIRECTIVE

## 3.5 RECRUITMENT OF AN OVERSEAS STUDENT

**The Athena School must recruit responsibly by ensuring students are appropriately qualified for the course for which they seek enrolment, including having the necessary English language proficiency and educational qualifications. Students must have sufficient information to enable them to make informed decisions about studying with The Athena School in Australia. (National Code Standard 2)**

Prior to accepting an overseas student or intending overseas student for enrolment in a course, the registered provider must make comprehensive, current and plain English information available to the overseas student or intending overseas student on:

- 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 any compulsory online assessment methods.
- course duration and holiday breaks
- the course qualification, award or other outcomes
- the location of the School 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 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 School has in place for approving the accommodation, support and general welfare arrangements for younger overseas students (in accordance with National Code Standard 5)
- accommodation options and indicative costs of living in Australia.

The Athena School has documented policy and procedure for assessing whether the overseas student's English language proficiency and educational qualifications are sufficient to enable them to enter the course. The Assessment process determines the student's placement within the School and is documented in the confirmation of enrolment (CoE) and is reported in PRISMS once the overseas student's visa is granted.

Once the overseas student has been enrolled, details of all information given as well as a copy of the assessment process and decision are to be filed into the Student's Enrolment File.

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## THE ATHENA SCHOOL EXECUTIVE DIRECTIVE

OS Enrolment staff  
OS Policy pack

### 3.8 OVERSEAS STUDENTS – YOUNGER STUDENTS

*The Athena School does not itself provide or recommend accommodation or guardianship arrangements. It does however inspect and approve or disapprove accommodation and welfare arrangements originated by the student's parents or guardian in accordance with Standard 5, National Code 2018 (point 3.8 of the Guidelines for Approved NSW School Providers Delivering Courses to Overseas Students).*

**The Athena School does not accept overseas students who will not be living with a parent or DHA approved relative.**

#### Guardianship Policy

The Athena School requires all Overseas Students enrolled at the School, under the age of 18, to have a guardian for the duration of their enrolment. It is required that parents of Overseas Students provide the details of the guardian they intend to care for their student for the duration of the student's studies in Australia. If required, the parents may enlist The Athena School's assistance in securing a guardian for the student, through filling out the *Under 18 Guardianship Form*. The Athena School does not recommend any particular agent or agency, though is willing to assist the student in finding out information.

A Nomination of Guardianship Form will be sent with the Letter of Offer, to be completed and returned.

The Athena School must approve Guardianship arrangements prior to the issue of the **Confirmation of Enrolment (CoE)** and **Confirmation of Appropriate Accommodation/Welfare Letter (CAAW)**.

There are three acceptable categories of guardianship.

1. Parents may nominate a suitable relative who lives in Sydney. This must be a blood relative and proof of the relationship will be required. Parents are required to discuss The Athena School Guardianship Requirements with their nominated Guardian. Payment arrangements, as appropriate, will be made between the Parents and the Guardian.

2. Parents may nominate a close family friend or distant relative who lives in Sydney, who can act as a homestay host for the student. In such a case they must fill out *Overseas Student – Parent Nomination For Homestay Form*.
3. Parents nominate a guardianship company to provide a guardian for the student. The Athena School or the student’s Education Agent may assist them with this as needed. The Athena School reserves the right to approve or disapprove the chosen guardian and company. Payment will be made by the parents directly to the guardianship company.

## Confirmation of Appropriate Accommodation and Welfare (CAAW) Letter

During the Overseas Student enrolment process of a student under the age of 18, who is coming without parents, the school is required to issue a CAAW Letter (**C**onfirmation of **A**ppropriate **A**ccommodation and **W**elfare), approving the accommodation and welfare arrangements of the student via **PRISMS** (Provider Registration and International Students Management System – the website we log onto to create COES and CAAs, and issue reports to the government regarding students). This letter will need to be sent to the student’s agent, or to the student themselves, who will require it for their visa to be approved, or for it to continue.

The Athena School’s Overseas Student Contact Officer is to be contacted on all matters regarding student accommodation and wellbeing. They will implement the relevant policies and handlings in accordance with The National Code 2018, The NSW Education Standards Authority Guidelines and Athena School policy. Where possible, communications should be in writing.

1. The guardian/homestay host must supply photo ID (driver’s licence) which also shows the living address to be the same as that stated on the application (copies to be kept on file).
2. The guardians/homestay host must have a valid Working With Children Check and a copy of such must be given to the School to be kept on file.
3. The Overseas Student Contact Officer will personally meet the nominated guardian in their home to ensure the proposed arrangement is understood and agreed by both parties.

Guardian obligations with regards child protection must be discussed openly and the guardian is given a copy of Athena School Executive Directive 3.8-1 ‘Notification to Guardian of their Obligations in Relation to Child Protection Legislation’ and the issue discussed (appropriately) to ensure their understanding.

Intended start and finish dates are confirmed in person with the guardian, including a minimum of seven (7) days after the COE completion date.

The guardian/homestay host is advised that follow up home visits may be conducted by the Overseas Student Contact Officer, as part of the school’s service to the student, and that their cooperation is needed.

The proposed living quarters are inspected to confirm they are appropriate and suited to the student. Points to inspect include:



- A clean and well-ventilated bedroom with space available to study
  - Sufficient nutritious food available to the student
  - Satisfactory hygiene throughout the living quarters
  - Guardian assuming overall responsibility for the student
  - The dwelling is in fact a dwelling, not another type of premises, in keeping with council regulations.
  - Viable transport in place to and from school, or within walking distance
  - No reason to believe the student's safety or wellbeing will be at risk
4. Once the student's welfare and accommodation arrangements have been approved, parents and guardians are notified in writing and a copy of their acceptance of the arrangement is kept in the student's enrolment file.
  5. Effective means of communication are established between the guardian and school.
  6. The Department of Home Affairs (DHA) are then notified of the arrangements through PRISMS.
  7. If it is determined at steps 3 or 4 the proposed arrangements are unsuitable, the Non-Approval of Accommodation /Welfare Arrangements procedure on PRISMS is followed.

## Monitoring Living Arrangements

8. All overseas students will be interviewed on a monthly basis by the Overseas Student Contact Officer as to their general wellbeing, course progress, attendance and to ensure the requirements of their student visa and Accommodation/Welfare arrangements are being met. At this time the Overseas Student Contact Officer also makes a courtesy phone call to the guardian to verify everything is going well. Phone notes are made and filed.
9. The Overseas Student Contact Officer must maintain regular communication with the guardian. A follow up home visit may be made by the Overseas Student Contact Officer to check things are going smoothly in the home and to resolve any issues that may have arisen.
10. The Overseas Student Contact Officer must maintain up to date records of the student's contact details, including the contact details of the student's parent(s), legal guardian or any adult responsible for the student's welfare.
11. Where there are any concerns for a student's well being at any stage of enrolment, the parents/guardian are contacted by the Overseas Student Contact Officer immediately and a meeting set up so that any situation can be addressed promptly. Records are kept of all contact with parents/guardian and progress is monitored in the monthly interviews or more frequently if necessary.
12. The school's Child Protection Policy covers local and Overseas Students. In addition to the standard procedure, Department of Home Affairs are notified of any instance where action is required by the school.
13. All Athena School staff are responsible for reporting any instance or suspected instance of unsatisfactory accommodation or welfare. Reports of this nature are given top priority.
14. The Overseas Student Contact Officer will provide all school staff directly involved in delivery to Overseas Students a pack containing the relevant Athena School Executive Directives and a basic



outline of their responsibilities. Staff are to read and understand the Directives and clarify anything they are not sure about.

**Exception:** Where a secondary age student transfers to The Athena School from another provider, and maintains their existing accommodation and welfare arrangement, an inspection of the home is not required prior to issuing a CAAW if the student and the parent/guardian (and Agent if applicable) confirm the arrangement is going well. Once the student settles into Athena, the usual monitoring of their wellbeing should detect if there are any concerns.

## Suspension/Cancellation of Enrolment

Where The Athena School has accepted responsibility of the student under the Migration Regulations for approving accommodation, support and general welfare arrangements for the student, The Athena School must continue to check the suitability of the student's arrangements until:

- a) The student is accepted by another registered provider and that registered provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements, or
- b) Care of the student by a parent or nominated relative is approved by Immigration, or
- c) The student leaves Australia, or
- d) Other suitable arrangements are made that satisfy the Migration Regulations, or
- e) The registered provider reports to Department of Home Affairs via PRISMS that it can no longer approve of the arrangements for the student.

If The Athena School is no longer able to support and/or endorse suitable welfare arrangements being in place then they are required to notify via PRISMS of '*Non-approval of Accommodation and Welfare.*' as well as making all reasonable efforts to ensure that the student's parents or legal guardians are notified immediately.

After exhausting all attempts at assisting the student, The Athena School may no longer be able to support or endorse the student's suitable accommodation and welfare arrangements if:

- a.** welfare provision does not meet the approved processes and substantiation as established by The Athena School for guardianship, residential care and homestay; and/or
- b.** the student is missing (between 2 and 5 days) from approved accommodation without due reason; and/or
- c.** the guardian is unable to maintain daily care and control; and/or
- d.** the student is unable to maintain general well-being and welfare.

In the event of a student being missing and there are concerns for the student's welfare, the Student Contact Officer must make all reasonable efforts to locate the student, including notifying the police and any other relevant Commonwealth or state agencies as soon as practicable. Records of all contacts and actions taken must be kept on file.

In the event of a student being suspended, the school continues responsibility for the accommodation and welfare arrangements during the suspension period.

Where a student's enrolment is cancelled, the school will continue its responsibility of the student until Department Of Home Affairs have been notified under Standard 5 that it can no longer approve of the arrangements for the student. In this circumstance, until the school is no longer responsible, contact will be made with the student either by phone or in person on a weekly basis to verify their wellbeing.

Approved by the  
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## ATHENA SCHOOL EXECUTIVE DIRECTIVE

OS Info pack  
All OS Staff

### 3.9 OVERSEAS STUDENTS SUPPORT SERVICES

The Overseas Student Contact Officer will ensure that all new Overseas Students arriving to Sydney are collected from the airport and arrive to their accommodation safely.

On arrival at the school, the Overseas Student Contact Officer will provide an orientation program. This includes a full tour of the school grounds, meeting the Principal and relevant staff and students. The new student will be assisted with school uniform purchase and shown where to go within the school and who to see if they need some help. It is also checked that students understand how to get to and from the school and their new home and assisted with this as necessary.

New students are shown the school's emergency (evacuation and lockdown) procedures so they know what to expect in the event of such an incident. They will then participate in the practice drills done during each school term.

An information pack will be given to all new Overseas Students providing clear information of their contact points within the school and relevant services outside the school including medical, legal and other professionals. Also included is information on how to access the school's complaints and appeals process, available facilities and resources and other information to assist the student's transition to life in Sydney. The Athena School will either internally provide or refer to appropriate welfare support services for all students who require them.

As part of the enrolment process, the student will visit the Quality Assurance Manager for testing to determine the correct Individual Education Program to ensure that the student will achieve the outcomes of their course. If, on assessment, it is found that student is in need of extra help to get up to speed, the Quality Assurance Manager in coordination with the student's teacher will schedule the any needed tutoring by Athena School personnel at no extra cost to the student.

Following is a list of the immediate contact people who will understand your situation and direct you to the correct staff member. Personal counseling is also available from the Quality Assurance Department. Your first point of contact for difficulties requiring counseling will be your class teacher or the Overseas Student Contact Officer who will coordinate this service. It may be delivered within the school or, where necessary, referred to a suitably qualified provider outside the school. No referral fee will be charged to students in this situation.

**Here is a guide of personnel who can assist you:**

**Fiona Gallop – Overseas Student Contact Officer**

Enrolment and uniform purchase

VISA and immigration matters

Accommodation and Welfare (includes difficulties with a guardian arrangement)

If you wish to lodge an official complaint or appeal

Any family difficulties overseas

**Classroom Teacher**

Your student progress

Any troubles you are having with your studies

Any personal upset you experience that is interfering with your studies

If you become ill during a school day

You are experiencing any difficulties with other students

*\* Your teacher will refer you to the correct area of the school, depending on the nature of your situation.*

**Bursar or Office Manager**

Payment of fees or other monies

Copies of tuition invoices or statements

**Quality Assurance Manager**

Personal Counselling on student progress and any study difficulties

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## ATHENA SCHOOL EXECUTIVE DIRECTIVE

## OVERSEAS STUDENT TRANSFERS

Requests to transfer to another provider must be submitted in writing and give full details of the reason for the change.

*Where a student or parent/guardian is dissatisfied with the service provided by the school, the Complaints Procedure should be followed and, where possible, the situation rectified.*

The Athena School does not wish to educate any student who has no desire to be educated or who is not at the school on his or her own determination and where a student wishes to transfer to another provider before they have completed six months of study at The Athena School, the school will facilitate this upon completion of a Student to Quality Assurance Routing Form. Without this (or one of the other valid reasons, listed below), the student will not be permitted to enroll with another provider.

**EXTRACT FROM NATIONAL CODE STANDARD 7:**

Registered providers must not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course **(or for the school sector, until after the first six months of the first registered school sector course has been completed)**, except where any of the following apply:

- the releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered
- the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider
- the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS
- any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change

Any request to transfer will be dealt with as quickly as practicable (usually within ten working days) and in accordance with school procedures and Section 3.10 of the Guidelines. Once those requirements have been met, the transfer may go ahead. The final decision will be made by the Executive Council. Upon approval the transfer is to be updated in PRISMS.

**THE TRANSFER WILL BE APPROVED FOR AN OVERSEAS STUDENT WHEN:**

- a) The student has fully filled out the Application for Release form.
- b) It is in the best interests of the overseas student, including but not limited to:
  - (i) the course is deemed academically unsuitable for the student even after engaging the School's intervention strategy to assist the student (eg. The student is better suited to a different learning environment or the course does not meet his/her educational development needs)
  - (ii) compassionate or compelling circumstances exist. This means there are family, medical or 'well-being' reasons for supporting a transfer (compassionate reasons).
  - (iii) there are circumstances that are generally beyond the control of the student which affect their course progress or well-being (compelling reasons).
  - (iv) failure to deliver the course as outlined in the written agreement or the overseas student's reasonable expectations about their current course are not being met
  - (v) there is evidence that the overseas student was misled regarding the course
  - (vi) an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student
- c) The student provides a letter from another registered provider confirming that a valid enrolment offer has been made.
- d) Written confirmation from the student's parent or legal guardian supporting the transfer has been received by the Overseas Student Contact Officer.
- e) Confirmation from the receiving provider that they accept responsibility for approving the student's accommodation, support and general welfare arrangement in accordance with National Code Standard 5 (Younger overseas students). Note: The Athena School only accepts students who are staying with a parent or nominated suitable relative.
- f) Any incomplete tutoring/study/counseling actions have been completed where feasible
- g) All textbooks and other materials belonging to the school have been returned
- h) Confirmation from the Bursar that the student's account is in order
- i) It is not considered to be in the student's detriment for the transfer to take place.
- j) There is no cost for the processing of the transfer.
- k) The student will need to contact DIAC to seek advice on whether a new student visa is required.

**A 'LETTER OF RELEASE' WILL NOT BE ISSUED TO AN OVERSEAS STUDENT WHEN:**

- a) It is considered that the transfer will be to the detriment of the student.
- b) The new provider has no CRICOS number (and is therefore not registered to take overseas students).
- c) The new provider is not registered for the course for which the student is applying (such as being registered for Primary School studies instead of Junior Secondary School studies).
- d) The new provider has made unethical promises to the student (such as promising that they will get, or have a better chance of getting, a residency visa).

If the student's transfer request is declined, the applicant will be notified in writing and the reason for this decision will be given. Students, parents or nominated suitable relatives disagreeing with the outcome should follow the Overseas Student Complaints and Appeals Procedure.

In the case of an appeal, the overseas student's refusal status in PRISMS must not be finalised until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20-working day period, or the overseas student withdraws from the process.

**PROCESS IF A STUDENT WISHES TO TRANSFER AFTER 6 MONTHS:**

If a student has completed more than six months of study of their course, they are expected to follow the same school procedure to change education providers. However, for the school's records, ensure you obtain the following information:

- 1) The name of the new education provider.
- 2) The reason the student is transferring.
- 3) The Letter of Offer from the new provider.
- 4) The Confirmation of Enrollment (COE) from the new provider.

Once this has been provided, you may cancel the COE of the student on PRISMS and unenroll them from the school.

**RECORDS:**

Copies of all student transfer requests, all assessments, all subsequent correspondence and the change to the overseas student's enrolment in PRISMS are kept in the student's enrolment file.

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Executive Council  
The Athena School Limited





## ATHENA SCHOOL EXECUTIVE DIRECTIVE

All Staff

### 3.11 OVERSEAS STUDENTS - MONITORING ATTENDANCE

**Overseas students are required to attend at least 80 per cent of scheduled course contact hours.**

1. Class roll calls are carried out minimally three times every school day and will detect and record all student absences. Following roll call, no student is allowed to leave the class for any reason without teacher permission.
2. Following every roll call, a list of student absences is hand delivered to the Office Manager, who follows up each instance and reports back to the class teacher.
3. All Overseas Student absences are brought to the attention of the Overseas Student Coordinator who records the details in the O/S student's enrolment file.
4. All Overseas Student files contain an 'Overseas Student Absence Record', which makes clear when the student would fail to meet attendance requirements.
5. When an Overseas Student reaches 10 per cent non-attendance ***in any given school year***, the Overseas Student Contact Officer issues them a written warning that they may be reported via PRISMS for being at risk of failing to meet course attendance requirements.
6. Any student reaching 10 per cent non-attendance or who is absent for five consecutive days without approval must be put on a Student to Quality Assurance Routing Form to see the Quality Assurance Manager who will interview them regarding any situation which could account for their failure to meet course attendance requirements. Assistance will be given where possible.
7. Any students absent for five consecutive days must be reported to NESAs and DIBPs via PRISMS.
8. If a student reaches 15 per cent non-attendance in a given school year, they are notified with an additional written warning that they may be reported via PRISMS for being at risk of failing to meet course attendance requirements.

9. If a student reaches 20 per cent non-attendance in a given school year, they are notified in writing of the school's intention to report their unsatisfactory attendance. They are given a copy of the school's policy 3.13 *OS Student Complaints and Appeals Process*, and given 20 working days in which to lodge an appeal, via an *OS Student Complaints and Appeal Form*. If a form is lodged with the school, then the Overseas Student Officer or Office Manager should start the *OS Student Complaints/Appeal Procedure*, which will take them through each step of the process.
10. Where the student chooses not to access the Complaints and Appeals Process within the 20-day period, withdraws from the process or the process is completed resulting in a decision supporting the school, the DIBP and NESAs are notified through PRISMS that the student is not achieving satisfactory attendance, as soon as practicable.
11. The only circumstance under which the school may decide not to report the student for breaching the 80 per cent attendance requirement is where:
  - the student produces evidence clearly demonstrating that compassionate or compelling circumstances apply, or
  - the student is attending at least 70 per cent of the scheduled course contact hours.

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## ATHENA SCHOOL EXECUTIVE DIRECTIVE

OS Staff  
OS Student Info Pack

### 3.12 OVERSEAS STUDENTS - DEFERRING, SUSPENDING OR CANCELLING ENROLMENT

#### DEFERRING STUDIES

*Deferring* occurs when a student has not commenced studying on their enrollment, and they wish to push back the starting date. This can only be initiated by the student.

*Compassionate or Compelling Circumstances* include, but are not limited to:

- Illness, where a medical certificate states the student is unable to attend class for an extended period of time;
- 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 that has impacted on studies; or
- A traumatic experience which has impacted on the student.

The student must make a written application to the Overseas Student Contact Officer who submits it to Executive Council for assessment and approval. The Executive Council will provide its decision in writing to the Overseas Student Contact Officer for relay to the student.

For the application to be approved there must be evidence of reasonable grounds showing compassionate or compelling circumstances.

The student is notified in writing of the approval or disapproval and any alterations to the student's original CoE terms are reported to the Secretary or the Department of Education through PRISMS in accordance with the National Code Standard 9.

All documentation is filed in the student's enrolment file.

## SUSPENSION OF STUDIES

*Suspending* a student's studies occurs when a student's studies are paused for a period of time, and can be initiated by the school or the student. This could be in response to a student's misbehavior, or because the student has compassionate or compelling circumstances. For example, the student may have had a family member pass away and need to return for a funeral.

The student must always make a written application to the Overseas Student Contact Officer, who will:

- ensure the student is put on and completes the appropriate routing form
- relay the written request to the Executive Council for approval.
- notify the student in writing of the approval or disapproval once received from the Executive Council.
- report any alterations to the student's original CoE terms to the Secretary or the Department of Education through PRISMS in accordance with the National Code Standard 9.
- ensure all documentation is filed in the student's enrolment file.

## SUSPENSION OR EXPULSION DUE TO MISBEHAVIOUR

The Athena School may suspend or cancel a student's enrolment including, but not limited to, on the basis of:

- misbehaviour by the student
- the student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement
- a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with National Code Standard 8 (Overseas student visa requirements).

*Misbehaviour* can include but is not limited to: acting dishonestly; harassing other students or staff; interfering with students or staff; preventing or disrupting learning; contravening the school rules; disobeying or failing to comply with contractual or legal obligations; misusing, damaging or stealing school property; or otherwise acting in an improper manner.

The student is put on the appropriate routing form to ensure that all handlings to help the student overcome any difficulties that they may be having.

Before imposing a suspension or cancellation of the overseas student's enrolment, the School must:

- inform the overseas student of that intention and the reasons for doing so, in writing
- advise the overseas student of their right to appeal through the registered provider's internal complaints and appeals process, in accordance with National Code Standard 10 (Complaints and appeals), within 20 working days.

- inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa
- report the change to the overseas student's enrolment under section 19 of the ESOS Act.

The suspension or cancellation of the overseas student's enrolment under National Code Standard 9.3 cannot take effect until the internal appeals process is completed, unless the student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

## **STUDENT CANCELLATION**

*Cancellation* of a student visa is initiated by the student. To do so they must give a minimum of four weeks' notice and inform the school in writing.

## **AFFECTING THE STUDENT'S VISA**

Whether initiated by the school or by the student, the school must notify parents/nominated suitable relatives that the suspension, deferment or cancellation of the student's enrolment will be recorded on PRISMS and may affect the student's visa.

Copies of all documents regarding suspension, deferring or cancellation of enrolment are to be filed in the student's enrolment file.

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## EXECUTIVE DIRECTIVE

OS Enrolment staff  
OS Policy pack

### 3.12 OVERSEAS STUDENTS REFUND POLICY

The following is our policy on student or provider defaults, including refunds and student deferment. This policy must be made clear to students within our Letter of Offer (LOO) and Overseas Student Application Form, which are to be signed by both parties before an overseas student is accepted.

#### **Refunds**

Should a student's visa application be refused, the school must provide them with a refund of all funds barring the Enrolment Fee (which would be kept to cover the school's administration costs) and any agent's commission that has already been paid.

#### **Provider Default**

Should there be a provider default on the course being delivered, the school will refund any Tuition, Materials and Excursion Fees that have not been used up to this point, pro rata. For example, if 5 weeks into the Term of 10 weeks, the school could no longer deliver the course paid for, we would give a refund of 5 weeks.

#### **Student Default**

Student default is where a student has failed to attend the school, or decided not to attend the school, after becoming enrolled or making an application. A student default is causatively done by the student – where their visa application has been refused, they have not defaulted.

In the case of a default, the school is not obliged to refund any monies. A case may be made to the Board of Directors of The Athena School, stating compelling or compassionate circumstances why the student was forced to default, and in such a case the Board may elect to refund some of the monies. Compassionate or compelling circumstances are considered to be situations outside of the student's control, such as a family tragedy, natural disaster, illness, accident or other unexpected circumstance that prevents them from attending the school. In cases where the student has simply decided to attend another school, or decided they no longer wish to come to the school, they would not be considered to have compelling or compassionate circumstances.

The \$1000 Security Deposit, \$1000 Enrolment Fee, and \$120 Application Fee are non-refundable in the case of a student default, though other funds may be, depending on the application.

### **Student Deferment**

Student deferment occurs where the student has not yet started their course but wishes to change their starting date. This sometimes happens when a student's visa has not yet been approved by the Department of Immigration and Border Protection (DIBP), or where other circumstances have affected them so that they are unable to attend at their original date.

Students wishing to defer must make a written application to the school. This can only be accepted by the Principal, however, if approved the monies paid in to the school will be retained for that later date, relative to the amount of time the student has already spent on their studies.

For example, if the student had been studying at the school for 4 weeks (leaving 6 weeks still in the Term), then had to return to their home country for a year, but still wished to resume their studies at the end of this time, the school would keep 6 weeks credit on file for when they returned. Note that this would require all visa requirements to be kept, and may involve a new visa and CoE.

Should the student not return from their leave taking, and then wish for their fees to be returned to them, the matter would be treated as a Student Default, and the student should then write any appeal to the Board for a refund.

### **Student Expulsion**

Students can be expelled due to bad behaviour or poor performance in the school. This includes the student conducting themselves in a way contrary to the ethos and rules of the school, as covered by the school's Student Code of Conduct and Rewards and Penalties booklet.

A student can also be expelled for failing to meet visa conditions, such as not meeting their course requirements (see policy *3.11 Monitoring Progress & Completion Expectations*) or failing to attend more than 80% of their classes.

Student expulsion will result in the student having their COE cancelled.

In such a case, the school will give no refund of any monies paid. Again, an appeal may be given in writing to the Board of Directors in the case of compelling circumstances (see policy *3.13 Complaints and Appeals Process* for more information).

### **Reporting Obligation**

Should a student have their enrolment cancelled, suspended or deferred, the school must immediately notify the Board of Studies via PRISMS (Provider Registration and International Students Management System) of these changes. The person who must do



this is the Overseas Student Contact Officer. If that person is absent responsibility for reporting defaults to the Office Manager.

### **Uniform**

At no time will there be a refund issued for a uniform.

### **Refund Application Process**

Should a refund be requested, the applicant should first notify the school directly, or via an agent – in both cases it must be in writing, using the school’s refund application form. Should the refund be accepted, the school will notify either them or their agent and will further notify them of the amount of monies to be refunded. At this point, if the applicant wishes to lodge an appeal to the Board of Directors, they may do so, utilising our Complaints and Appeals Form. Otherwise, the applicant will need to fill out and sign a Refund Authorisation Form and send this to the school, which will include their bank details for the refund to be paid into. Any refund will be returned to the student or their family, not to the agent or another institution.

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## ATHENA SCHOOL EXECUTIVE DIRECTIVE

All staff  
OS Info Pack

### 3.13 OVERSEAS STUDENTS COMPLAINTS AND APPEALS PROCESS

**Where there is a complaint, a decision to appeal or a grievance involving an Overseas Student, the following procedure is available and should be used by students or their parents/nominated suitable relative. Any complaints or appeals will be responded to.**

1. All complaints/appeals must be in writing. Parents/nominated suitable relative or students are to give specific details of what has occurred or the decision being appealed. The report should be submitted to the Overseas Student Contact Officer as soon as possible.
2. Any complaint or appeal received will be responded to, and the assessment of the complaint or appeal will be dealt with in a professional, fair and transparent manner and will be documented by all terminals seen. A support person may accompany and assist the overseas student, parent or nominated suitable relative at any relevant meetings.
3. Processing will commence within 10 working days of receipt of the complaint/appeal and all reasonable measures will be taken to finalise the process as soon as practicable.
4. The Overseas Student Contact Officer will arrange a time to see the student in person to discuss their situation and work out a resolution.
5. If the student/parent is not satisfied with the outcome, an appointment should be made to see the Quality Assurance Manager who will take the necessary actions after carrying out an internal investigation.
6. If the matter remains unresolved, the student/parent should make an appointment to see the Principal, who will work with them and the staff to find the best solution for all concerned.

7. The overseas student will be given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome.
8. Should the internal appeals process of the school fail to satisfactorily conclude the matter, the student should contact the Overseas Students Ombudsman for dispute resolution. Their website can be found at <http://www.ombudsman.gov.au/>. There may be a minimal charge where an external body is involved, but there is no charge any internal complaint resolution.
9. If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the School will immediately implement the decision or recommendation and/or take the preventative or corrective action required by the decision, and advise the student of that action.

Good communication between staff, students and parents/nominated suitable relative is the best remedy for any non-optimum situation. Our staff are very approachable and will do their best to help you have a successful and rewarding education at The Athena School.

The Overseas Student Information Pack provided by the school includes a leaflet outlining the ESOS (Education Services for Overseas Students) Framework and the Overseas Student Ombudsman brochure, which are avenues of assistance available to you, from outside the school. You should know your rights and your responsibilities as an Overseas Student.

All complaints/appeals, whether formally or informally resolved will be documented and all written correspondence kept on file.

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## ATHENA SCHOOL EXECUTIVE DIRECTIVE

### 3.14 ADDITIONAL REGISTRATION REQUIREMENTS INCLUDING NOTIFICATIONS TO NESA

#### Overview

The Athena School Limited is a registered education provider for both Primary and Secondary education from Kindy to Year 10. The School is approved for a maximum of 20 overseas students.

The course duration, including holiday breaks is the standard school year in New South Wales.

The courses are delivered classroom style with face-to-face teaching by qualified teachers. In the event of a pandemic then a hybrid model of teaching is used.

The Athena School has adequate staff and education resources, including facilities, equipment, learning and library resources on the premises to deliver the course to up to 20 overseas students alongside the local students.

The above information can be demonstrated with the School's staff list, class list and floor plans.

#### Notifications will be made via RANGS Online to NESA (ESOS Agency) when:

1. Any proposed changes to the School's registration for a course as outlined is submitted to NESA at least 30 days prior to the time the changes will take effect.
2. 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 programs 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.

3. of any change in the name or address of the school provider at least one month before such a change is to take effect
4. of any intention to relocate premises (including the head office or principal place of business) at least three months before the relocation
5. 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
6. of any prospective changes to the ownership of the registered provider as soon as practicable before the change is to take effect
7. 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
8. 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
9. to request to amend the school provider's existing scope of approval (refer to 7.3.3 for timeframes).

In relation to these notifications NESAs will:

- acknowledge receipt of the relevant notification
- arrange for a NESA Officer to:
  - examine the submitted return (notification) and any other submitted documentation
  - contact the school provider to identify whether further evidence of compliance is required and whether a visit to the school provider will be undertaken
  - examine any evidence of compliance and, where applicable, visit the school provider and examine any further evidence of compliance
  - where applicable, write an inspection report and make recommendations, forward the inspection report to the school provider's principal executive officer (PEO) for signature and feedback, and submit the report to the Committee. This process may take up to six weeks
- where applicable, forward the relevant certificate(s) to the school provider
- where applicable, ensure that DESE is informed.

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