



## TRANSFER BETWEEN REGISTERED PROVIDERS POLICY

### PRINCIPLES

Ursula Frayne Catholic College recognises:

- the Transfer Policy of the College seeks to always serve the interest of the student
- the interest of the student is defined both in terms of educational needs and the student's welfare
- the College is entitled to ask the student to abide by their '6 month' obligation
- the College may enact the provisions of the Refund Policy
- students maintain their rights to appeal within and outside the school

### PROCEDURES

1. Ursula Frayne Catholic College will normally only receive applications for transfer of enrolment where a student has completed at least six months of his or her course of study unless:
  - the original registered provider has ceased to be registered or the course has ceased to be registered
  - the original registered provider has provided a written letter of release
  - the original registered provider has had a sanction imposed on its registration by the Australian Government or State or Territory Government that prevents the student from continuing his or her principal course, or any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.
  - any government sponsor of the student deems that a transfer is in the student's best interest and supports the transfer request in writing.
2. When a student requests a transfer of their enrolment to an alternative registered provider then Ursula Frayne Catholic College shall review this policy with the student detailing advice on Ursula Frayne Catholic College's procedures for applying for a course transfer.
3. Any request to transfer providers requires the request in writing stating the reasons behind the desire to transfer to another course of study with another provider. The processing of such a request will not extend past, a 7 working days assessment period. A written reply stating the reasons supporting or denying the decision will be provided within 7 working days.
4. Ursula Frayne Catholic College may refuse an application for transfer where a transfer is considered detrimental to the student's study progress and/or general welfare. This will be discussed with the student's parent/guardian.
5. Ursula Frayne Catholic College will only provide a Letter of Release after the student has provided a letter indicating a valid enrolment offer from another registered provider.
6. Where a student is **under the age of 18 years**, a letter of release will only be granted where the student's parent or legal guardians have confirmed in writing their support for the transfer or in the case where the welfare of the student is supervised by the registered provider. Valid enrolment from the new course provider will also confirm their acceptance of the welfare responsibilities of the student. If no Welfare Letter is produced, the transfer will not be approved.
7. The College will generally not deal with intermediaries such as agents in addressing a request by a student to transfer to an alternative provider due to the potential for conflict of interest for the agent.
8. All documentation relating to transfers to alternative providers will be filed in the student's record file for two years.

# STUDENTS UNDER 18 YEARS OF AGE

## *Principles*

Ursula Frayne Catholic College recognises:

- that it has a special duty of care to those students who are under 18 years of age
- that as a secondary education provider, the College has a high proportion of younger students
- in the absence of a suitable 'blood relation' (as per Department of Home Affairs (DHA) requirements) nominated by the parent or guardian as the local carer, then the College has an additional duty of care that extends beyond the educational needs to the overall welfare of the student within and outside the College until the time that the student reaches 18 years of age
- younger students must abide by College requirements relating to its duty of care as a condition of the student visa (Condition 8532)
- its obligation to be responsible for the provision of care provided by any third parties on its behalf and encourages its students to keep the College advised of any short-comings

## *Procedures*

1. The College will, as a general rule, encourage overseas students to remain under the direct day-to-day care of a parent/guardian or a 'blood relative' as defined by DIBP, that is a:
  - brother or sister
  - step-brother or step-sister
  - step-parent
  - grandparent
  - step-grandparent
  - biological aunt or uncle
  - step-aunt or step-uncle
  - niece or nephew
  - step-niece or step-nephew

The above relations must be confirmed by suitable documentation to provide proof of the relationship to DHA and/or the school.

2. In addition to the above, the 'blood relative' nominated as a local carer must also:
  - be over the age of 21 and demonstrate the capacity to exercise an adequate duty of care
  - be eligible to remain in Australia until their visa expires or the student turns 18 (which ever happens first)
  - show that they are of good character by providing a police clearance from the countries in which they have lived for more than 12 months in the past 10 years after the age of 16
3. The College maintains an obligation to monitor the duty of care that is being provided by a 'blood relative' and to contact DHA where the College believes that the student is not being well looked after or is being neglected in any way.
4. In cases where DHA issues a visa citing care to be provided by a 'blood relative' and, as a consequence Standard 5 does not apply, the College still maintains an important duty of care for the welfare of the student under other legal provisions such as the Education Act, 1999 and the Child Protection Procedures required by the Catholic Education Commission. This duty of care applies to all teachers within Western Australia and commenced 1 January 2010.
5. In the case of students under 18 years of age not under the care of a parent/guardian or blood relation, then the College acknowledges its additional duty of care by way of issuing a Confirmation of Appropriate Accommodation and Welfare (CAAW) Letter. In particular, the College is responsible for the accommodation and welfare needs of the student.
6. To date, the College does not provide students with a 'packaged offer' and as such it takes sole responsibility for the care of under age students for the duration of their studies in Australia by way of citing a commencement and cessation date for the welfare arrangements cited in its CAAW letters. This period will provide for the duration of the course of study plus 7 days as required by the Migration Regulations.
7. In the event that the College provides a 'package offer' the College will ensure that full coverage of welfare arrangements is ensured by liaising with the other registered provider(s).

8. Failure by an under-age student to abide by the arrangements set in place by the College or required under Visa Condition 8532 and Section 5.3 may be grounds for suspension or termination of enrolment as it places both the student and the College at risk. Under these circumstances the College maintains its responsibility for the welfare of the student until such time as:
  - the student is accepted by another registered provider and that provider takes over responsibility for the student's accommodation, support and welfare arrangements; or
  - the student leaves Australia, or
  - other suitable arrangements are made that satisfy the Migration Regulations; or
  - the registered provider reports via PRISMS within 24 hours under Standard 5.3 that it can no longer approve of the welfare arrangements for the student.
9. The College will only proceed with the provisions under Section 5.3 for reporting a student via PRISMS when all other options for resolution have been exhausted. In all instances, the student retains rights of appeal as per the Complaints and Appeal provisions.
10. All international students are subject to Visa Condition 8533 that requires them to notify DHA and the College in writing of any change of address. The College must give its approval for any change in accommodation by under-age students that it has signed a 'confirmation of Acceptance Accommodation and Welfare' letter for. Students are advised to notify the College in writing of any change of address prior to any move or immediately after the move takes place.
11. Where the College has signed a 'Confirmation of Acceptance Accommodation and welfare' letter for the student, it will either arrange accommodation for under-age students directly or via an external agency. Placement may be in consultation with the parent/guardian, but the College retains the right to exercise its discretion on all placements.
12. The placement of all students requires a written agreement between the College and the local carer/homestay provider seeking to ensure minimal standards of accommodation, support to the student out of school and the student's overall general welfare. To this end, the College conducts regular inspections (announced and unannounced), student welfare interviews and provides written advice to its local carers/homestay providers.
13. The College will actively monitor its under-age students in terms of their accommodation, support and welfare arrangements by way of:
  - regular meeting with the International Student Coordinator
  - regular review of overseas student attendance
  - initial inspection of accommodation provided by the local carer/homestay every 6 months
  - requirement to have a Federal Police Clearance and 'Working with Children' clearance
14. In the event that an under-age student is reported to the school as missing from their approved accommodation, the College will invoke the provisions of its Crisis Management Plan including:
  - contacting the student's parents
  - filing a missing person report with police and/or children's services agencies
  - notifying DHA should the above fail to locate the student