

ESOS ACT 2000
DEST- DIAC Course Progress Policy and Procedures
for CRICOS Providers of VET Courses

This policy must be read in conjunction with the adjoining explanatory notes

1. The National Code 2007

- 1.1 Under Standard 11.2 of the National Code 2007, a provider who implements the DEST-DIAC Course Progress Policy and Procedures for its vocational education and training (VET) courses is **not** required for ESOS purposes to monitor attendance for those courses.

2. Indicating the decision to implement the DEST-DIAC Course Progress Policy and Procedures

- 2.1 A provider who chooses to implement the DEST-DIAC Course Progress Policy and Procedures must implement the policy and procedures for **all** of its CRICOS registered VET courses. The provider registers this choice through PRISMS.

3. Policy

- 3.1 The provider must monitor, record and assess the course progress of each student for the course in which the student is currently enrolled.
- 3.2 The provider must assess each student's progress at the end of each compulsory study period. While the length of a study period is determined by the provider, study periods are usually terms or semesters. Ten weeks is usually considered the minimum length of time in which it is reasonable for the provider to make an assessment of a student's course progress. For the purposes of this policy, the maximum length for a study period is six months.

Where a provider does not divide courses into study periods, course progress must be monitored at least every six months.

- 3.3 Unsatisfactory progress is defined as not successfully completing or demonstrating competency in at least 50% of the course requirements in that study period.

The provider must define course requirements for each study period and be able to identify when a student has not passed or demonstrated competency in 50% or more of the course requirements. The course requirements for each study period must also be made clear to the student at the start of the course, or if variable, each study period.

- 3.4 The provider must have an intervention strategy for any student who is not making satisfactory course progress. It must be made available to staff and students and must specify:
- i. procedures for contacting and counselling students;
 - ii. strategies to assist identified students to achieve satisfactory course progress; and
 - iii. the process by which the intervention strategy is activated.

- 3.5 The intervention strategy must include provisions for:
- i. where appropriate, advising students on the suitability of the course in which they are enrolled;
 - ii. assisting students by advising of opportunities for the students to be reassessed for tasks in units or subjects they had previously failed, or demonstrate the necessary competency in areas in which they had not been previously able to demonstrate competency; and
 - iii. advising students that unsatisfactory course progress in two consecutive study periods for a course could lead to the student being reported to DIAC and cancellation of his or her visa, depending on the outcome of any appeals process.

- 3.6 At the end of each compulsory study period, students must be assessed against the course progress policy. If a student is identified for the first time as not making satisfactory course progress, the intervention strategy as outlined in 3.4 is implemented. The intervention strategy must be activated within the first four weeks of the following study period.

However, if a provider identifies that a student is at risk of making unsatisfactory course progress before the end of the study period, the provider is encouraged to implement its intervention strategy as early as practicable.

- 3.7 If a student is identified as not making satisfactory course progress in a **second consecutive compulsory** study period in a course, the provider must notify the student of its intention to report the student to DIAC for unsatisfactory progress. The provider does this through the written notice described in 3.8.

- 3.8 The written notice (of intention to report the student for unsatisfactory progress) must inform the student that he or she is able to access the registered provider's complaints and appeals process under Standard 8 and that the student has 20 working days in which to do so. A student may appeal on the following grounds:
- i. provider's failure to record or calculate a student's marks accurately,
 - ii. compassionate or compelling circumstances, or
 - iii. provider has not implemented its intervention strategy and other policies according to its documented policies and procedures that have been made available to the student.

- 3.9 Where the student's appeal is successful, the outcomes may vary according to the findings of the appeals process.
- i. If the appeal shows that there was an error in calculation, and the student actually made satisfactory course progress (successfully completed more than 50% of the course requirements for that study period), the provider does not report the student, and there is no requirement for intervention.
 - ii. If the appeals process shows that the student has not made satisfactory progress, but there are compassionate or compelling reasons for the lack of progress, ongoing support must be provided to the student through the provider's intervention strategy, and the provider does not report the student. [See adjoining explanatory notes]

- 3.10 Where the student
- i. has chosen not to access the complaints and appeals processes within the 20 working day period,
 - ii. withdraws from the process, or
 - iii. the process is completed and results in a decision supporting the registered provider (ie. the student's appeal was unsuccessful)

the registered provider must notify the Secretary of DEST through PRISMS of the student not achieving satisfactory course progress as soon as practicable.

4. Procedures

The administrative arrangements and student management systems will vary between providers, as will providers' approaches to the procedures for implementing the DEST-DIAC Course Progress Policy.

Consequently, each provider who chooses to implement the DEST-DIAC Course Progress Policy must write a procedure which demonstrates how the policy will be implemented. This document must be made available to staff and students (in paper or electronic form) together with a copy of this policy.

When creating the procedures document, providers are advised to incorporate their answers to the following questions:

WHO is responsible for each of the steps?

For example, who is responsible for defining the workload for the study period, checking progress, deciding that the student is at risk, implementing the intervention strategy, informing the student of the provider's intention to report, hearing an appeal, and reporting the student through PRISMS? Will different staff be required to take responsibility for the different steps? Will all staff involved be responsible for maintaining records of their part in the process, or will this be managed centrally?

WHEN will each step take place?

Will the intervention strategy be implemented earlier than the end of the study period or is the entire study period required in order to assess the student's progress? The student must be allowed 20 working days in which to initiate a complaint or appeal – has this requirement been considered when drafting the procedures document?

HOW will each step take place?

Will the student management system automatically alert staff to students at risk of making unsatisfactory progress, or will progress need to be checked manually? How will students be informed of the provider's concern for the student's progress or intention to report the student? Are there pro forma letters which can be modified manually or generated by the system? How and where will records of interventions, appeals processes and reporting be maintained?

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Explanatory Notes

Indicating the decision to implement the DEST-DIAC Course Progress Policy and Procedures

- To indicate the decision to implement the DEST-DIAC Course Progress Policy and Procedures, the provider must do so through PRISMS. The provider does this by clicking the 'Yes' button for the field '*DEST-DIAC Course Progress Policy & Procedure implemented?*'

The provider's level of access to PRISMS will determine where this field will appear.

- Providers with CoE Create or CoE Agent access will find the field on the 'Provider Information' tab of the 'Organisation Details' screen.
- Providers with CoE Administrator access will find the field on the 'Summary' tab of the 'View/Edit Provider' screen.
- If a provider is considering returning to monitoring attendance rather than implementing the DEST-DIAC Course Progress Policy and Procedures, the provider needs to bear in mind the following:
 - How will students be informed of the change to the course progress policy? and
 - How will the change impact on the organisation and delivery of courses that are currently being delivered under the DEST-DIAC Course Progress Policy?
- If a provider changes its mind and no longer wishes to follow the DEST-DIAC Course Progress Policy, it registers the change in PRISMS by changing the answer to the relevant field to 'No'. A record is kept in PRISMS if the provider has chosen to use the DEST-DIAC Approved Course Progress Policy or if it changes its mind after indicating it would use the policy.
- Good practice is that providers do not commence a new course progress policy until the beginning of a study period and only after students have been informed of the intended change.

The intervention strategy

- Providers must assist students who are at risk of not making satisfactory course progress in accordance with the provider's documented intervention strategy. Providers need to ensure that they follow their intervention strategy as failure to do so may provide a student with grounds for a successful appeal. Failure to implement the intervention strategy may also constitute a breach of the National Code 2007.
- Providers must make students aware of opportunities and services to assist them if they are identified as at risk of not making satisfactory course progress.
- Providers are advised to keep records of the advice and assistance they give students who have been assisted under the provider's intervention strategy.

The written notice of intention to report a student for unsatisfactory progress

- Each provider must create its own written notice to report a student for unsatisfactory progress. Providers may wish to refer to a sample notice prepared by DEST, available on the ESOS website: www.aei.dest.gov.au/ESOS

Reporting students for unsatisfactory progress

- Reporting a student for unsatisfactory course progress occurs only when the student has been identified as not making satisfactory course progress in two consecutive compulsory study periods, and the student has not made a successful appeal against this assessment.
- Course progress in a non-compulsory study period is to be disregarded when considering whether there has been unsatisfactory progress in two consecutive compulsory study periods.
- If a student is identified for a second, but not consecutive, study period as not making satisfactory course progress, the provider **does not** report the student for unsatisfactory course progress.
- When a student is reported for unsatisfactory course progress, DIAC will, in all but exceptional circumstances, cancel the student's visa. DIAC will rely on the provider's report of unsatisfactory course progress, as the report can not be made until the provider has completed the complaints and appeals process. If a student is dissatisfied with the provision of a complaints and appeals process, the student may lodge a complaint with DEST.
- Section 19(2) of the ESOS Act 2000 requires providers to report the student for unsatisfactory course progress 'as soon as practicable' after the breach occurs. Good practice would be to report the student through PRISMS within 5 days of finalising the decision to report (ie. within 5 days of 3.9 i., ii., or iii. occurring).

Compassionate or compelling circumstances

- Compassionate or compelling circumstances are generally those beyond the control of the student and they have an impact on the student's capacity and/or ability to progress through a course. 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 their emergency travel and this has impacted on their studies
 - a traumatic experience which could include but is not limited to:
 - involvement in or witnessing of an accident or
 - a crime committed against the student or
 - the student has been a witness to a crimeand this has impacted on the student (these cases should be supported by police or psychologists' reports).

Please note that the above are only some of examples of what may be considered compassionate or compelling circumstances. Providers are asked to use their professional judgment and to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, providers should consider documentary evidence provided to support the claim. Providers should keep copies of these documents together with a record of why the decision was made in the student's file.

Erratic course progress as a potential indication of non-bona fide students

- If the provider suspects that a student is not a bona fide student, the provider may cancel the student's enrolment, as allowed under Standard 13. However, providers must ensure that prior to enrolment students were made aware of the grounds on which cancellation of enrolment may occur, as required under Standard 2.1f. For example, if a provider views erratic course progress may be taken into account in identifying non-bona fide students, erratic progress must be clearly defined and stated prior to enrolment as one of the grounds for cancellation of enrolment. Similarly, if a provider identifies bona fide students on the basis of participation, failure to participate must be clearly stated prior to enrolment as grounds for cancellation of enrolment.

Monitoring course progress for reporting purposes and for completion within the duration

- Standard 9.1 requires the registered provider to have and implement documented policies and procedures for monitoring the course progress of each student to ensure that at all times the student is in a position to complete the course within the expected duration as specified on the student's CoE. While monitoring progress against the course duration is a separate requirement to monitoring course progress for reporting purposes, there may be some overlap in procedures. For example, a provider's progress procedure may require that at the end of each study period, each student's results are checked to determine course progress for that study period. In order to avoid duplication of effort, the provider may also check each student's progress towards completion of the course within the specified duration at the same time.