

## VET Student Loans – Re-Crediting and Review Procedure

### 1. Purpose

This document outlines the circumstances and process of re-credit of a HELP balance for a students' units of study.

### 2. Scope

Students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to have their FEE-HELP balance re-credited with respect to the Unit if they believe special circumstances apply (under section 68 of the Act) in accordance with the following procedures.

### 3. Policy

A Student who is, or would be, eligible for VET Student Loan and has requested VET Student Loan Assistance, who withdraws from a Unit on or before the census date will not incur a VET Student Loan debt for the tuition fees for that Unit.

Students who have requested VET Student Loan Assistance who remain enrolled after the published census date will incur a VET Student Loan debt. A Student who withdraws from a Unit after the published census date for that Unit will incur a VET Student Loan debt for that Unit.

#### 3.1 Procedure for RE-Credit of FEE-HELP balances due to Special Circumstances

If a Student withdraws from a Unit after the published census date for that Unit, or has been unable to successfully complete a Unit, and believes this was due to special circumstances, the Student may apply to have their FEE-HELP balance re-credited for the affected Unit/s.

Move Academy will re-credit the Student's FEE-HELP Balance if it is satisfied that special circumstances apply where:

- Circumstances beyond a student's control Such circumstances include situations arising that a reasonable person would consider is not due to the student's action or inaction, either direct or indirect, and for which the student is not responsible.
- Circumstances impacting after critical dates Such circumstances include situations arising that do not make their full impact on the student until on or after critical dates such as withdrawal date or census date for a course or unit of study. The situation may be known before the date(s) but the full impact or magnitude may not become apparent until on or after the date(s).
- Circumstances making it impracticable to complete study requirements These circumstances would make it impracticable for the student to undertake the necessary private study required, attend sufficient lectures to meet attendance requirements, complete the required assessment work or sit required examinations.

#### 3.1.1 What are Special Circumstances?

You may apply for re-credit of Help balance if you believe that you have been unable to complete due to special circumstances. Special circumstances are circumstances that

- i) Are beyond the student's control; and
- ii) Do not make their full impact on the student until on or after the census day for a course, or the part of a course; and
- iii) Make it impractical for the student to complete the requirements for the course, or the part of the course, during the student's enrolment in the course, or part of the course

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For circumstances to be beyond a student’s control, the situation should be that which a reasonable person would consider is not due to the student’s action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal to be considered special circumstances.

Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET Student Loans assistance; or
- a student’s incapacity to repay a VET Student Loans debt (repayments are income contingent and the student can apply to the Australian Taxation Office for a deferral of a compulsory repayment in certain circumstances).

Each application for re-credit of a student’s FEE-HELP balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.

### **What type of supporting documentation do you need to provide?**

It is important that you provide independent supporting documentation to support your claims. Statements made by family members, close relatives, or friends are not considered to be ‘independent’ for these purposes. Depending on your special circumstances you may need to provide an independent statement from a doctor, counsellor, employer, etc.

## **3.2 Procedure for Application for Re-Credit by Student**

Each application for re-credit of a Student’s FEE-HELP balance will be considered on its merits together with all supporting documentation supporting and validating the special circumstances claim.

A student applying to re-credit Fee-HELP balances is required to complete the VSL Withdrawal Form. available at: [www.moveacademy.edu.au/vsl](http://www.moveacademy.edu.au/vsl)

### **3.2.1 Requirements for application for Re-Credit**

An application for re-credit of FEE-HELP balance by Move Academy must be made in writing to Move Academy within 12 months after the census day for the course or unit of study or within the period as extended by Move Academy.

It is the student’s responsibility to provide sufficient information, independent supporting documentation or other evidence that the special circumstances exist.

Move Academy will review and approve a student’s application for re-credit of FEE-HELP balance based on the evidence submitted by the student to substantiate the special circumstances which apply to the student’s case.

### **3.2.2 Review of decision by Move Academy**

Where a student is not satisfied with the initial decision regarding their re-credit of FEE-HELP balance application, they may apply for an independent internal review, in accordance with the Complaints and Appeals Policy.

Should the student remain unsatisfied following the internal review, further options are available to the Student, as outlined in the Complaints and Appeals Policy, for an independent external review.

There are no charges for any internal review and reconsideration conducted by Move Academy. Reviews conducted by the Administrative Appeals Tribunal will be subject to fees and charges.

Students applying for a re-credit of FEE-HELP balances, or seeking a review or reconsideration of a decision, or using the Complaints and Appeals Policy of Move Academy will be treated fairly and equitably.

### 3.2.3 How FEE-HELP balances are re-credited

Where a re-credit of FEE-HELP balance is approved, Move Academy will notify The Department of Education, Skills and Employment and will remit to the Commonwealth any FEE-HELP assistance received on the student’s behalf and the student’s FEE-HELP debt for the relevant VET units of study will be removed.

## 3.3 Procedure for Re-Credit of FEE-HELP balances by the Secretary

### 3.3.1 Re-crediting by the Secretary

Under Section 71 of the VET Student Loans Act 2016: A student may apply to the Secretary for the re-credit of the student’s FEE-HELP balance due to:

- the provider, or a person acting on the provider’s behalf, engaged in unacceptable conduct in relation to the student’s application for the VET Student Loans; or
- the provider has failed to comply with the VET Student Loans Act 2016 or an instrument under the Act and the failure has adversely affected the student.

The Secretary of the Department of Education and Training may re-credit a student’s FEE-HELP balance in relation to special circumstances if an approved course provider is unable to act or is being wound up or has been dissolved; or has failed to act and the Secretary is satisfied that the failure is unreasonable.

Applications for re-crediting FEE-HELP balances by the Secretary must be made within 5 years after the census day for the course or unit of study concerned, or within that period as extended by the Secretary.

#### Associated Information

Associated Internal Documents	Student Handbook VSL Guide Grievance Procedure Grievance Policy
Related Legislation, Standards, and Codes	Vet Student Loans Act 2016 Vet Student Loans Rules 2016 Vet Student Loans (VSL Tuition Protection Levy) Act 2020 Vet Student Loans (Charges) Act 2016 Vet Student Loans Manual for Providers Higher Education Support Act 2003 VSL RE-crediting Fee-HELP Balances Procedures

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	Standards for Registered Training Organisations 2015 Student Identifiers Act 2014
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