LATROBE COLLEGE OF ART AND DESIGN

Policy

Re-Crediting HELP Balance

VET Student Loan Rules 2016, Part 7 Section 89 // VET Student Loan ACT 2016

Policy

This policy ensures that students are clearly informed of their rights and the procedures for requesting a re-credit of their HELP balance in accordance with Subdivision G, Section 89 of the VET Student Loans Act 2016. The policy ensures compliance and transparency in how LCAD manages and explains re-crediting processes.

This policy applies to all LCAD students who:

- Have been enrolled in an approved VET course.
- Have accessed or intended to access a VET Student Loan.
- Have withdrawn from part or all of their course after the census day.
- Are seeking to have their HELP balance re-credited due to special circumstances.

LCAD is committed to ensuring that students are clearly informed of their rights to apply for a re-credit of their HELP balance in the event they withdraw from a course or are unable to complete it due to special circumstances. These rights are protected under Section 89 of the VET Student Loans Act 2016, and LCAD will support students in making informed decisions about their applications.

Student Information and Communication

LCAD will ensure that the following information is made available to all students:

- The circumstances under which a student may apply to have their HELP balance re-credited.
- The process for applying for a re-credit, including timeframes.
- The contact details of the relevant officer or department.
- The student's right to appeal an adverse decision internally and externally.
- This information will be included in:
    - VSL Information Booklet
    - Acceptance Form signed by the student

Special Circumstances

If a student withdraws from a study unit after the published Census Day for that unit or has been unable to complete a study unit successfully 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.

LCAD will re-credit the student's FEE-HELP balance if it is satisfied that special circumstances apply where:

- Circumstances are beyond their control.
- Circumstances did not make their full impact on the student until on, or after the Census Day.
- Circumstances were such that it was impracticable for the student to complete the requirements for the study unit.
- LCAD, or third party engaged in unacceptable conduct in relation to a student's VSL application.
- LCAD was not able to provide the study as agreed.

- LCAD did not comply with the VET Student Loans Act 2016 or VET Student Loans Rules 2016, adversely affecting the student.

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 Loan assistance.
- A student's inability to repay a VET Student Loans debt (repayments are income contingent and the student can apply to the ATO for a deferral of a compulsory repayment in certain circumstances).

Procedure

Application Process

- The student must email the college or submit a Refunds Application Form for re-credit of their HELP balance to the coordinator or student support officer within 12 months of the withdrawal date or, if the student did not withdraw, within 12 months of the end of the study unit.
- Applications must include:
    - A completed Refunds Application Form (available from admin or the LCAD website)
    - Supporting documentation (e.g. medical certificates, evidence of personal circumstances)
    - A comprehensive statement outlining how special circumstances were beyond their control and prevented them from completing their study unit after Census Day. The supporting documents must include specific dates of when they were affected and describe in detail how this stopped them from completing their study and assessment. A doctor's certificate alone is not acceptable as sufficient information.

Assessment Process

- The coordinator or delegate will assess the application within twenty business days (20).
- The outcome will be provided to the student in writing and will include:
    - The decision and reasons for it
    - The amount to be re-credited (if approved)
    - If approved, the amount re-credited must be equal to the amount paid for the study unit.
    - Information about the student's right to request a review of the decision.

No Victimisation or Discrimination of Students for Seeking Review etc.

As per LCAD's Treatment of Students Seeking Reviews Policy, the college ensures that a student is not victimised or discriminated against for:

(a) Seeking review or reconsideration of a decision.
(b) Using the LCAD's processes or procedures about dealing with grievances and complaints.
(c) Making an application for re-crediting of the student's FEE-HELP balance.
(d) The student will not be prevented from maintaining their enrolment and continuing their studies if they apply for re-credit or seek a review of decision not in their favour.

Review of Decision

- Students may request a review of the original decision within twenty-eight days (28) of receiving the outcome.
- The review will be conducted by a senior staff member not involved in the original decision.
- The student will be advised of the review outcome in writing within twenty business days (20).

External Review

If the student remains dissatisfied, they may lodge a complaint with the VET Student Loans Ombudsman via the Commonwealth Ombudsman website: https://www.ombudsman.gov.au

Or Administrative Appeals Tribunal

Record Keeping

- All applications, supporting evidence, outcomes, and correspondence will be securely stored for a minimum of five years (5).
- LCAD and staff will comply with the college's Privacy Policy and the Privacy Act 1988 (Cth) when handling and storing personal information.

Staff Responsibilities

- Coordinator: Primary contact for student inquiries and applications, and responsible for initial decision-making, and responsible for conducting internal reviews.
- The CEO takes responsibility for the coordinator's actions.

Related Policies and Documents

- Complaints & Appeals Policy
- Withdrawal and Cancellation of Enrolment Policy
- Treatment of Students Seeking Reviews Policy
- Refunds Application Form
- VET Student Loans Act 2016 – Section 89
- VET Student Loans Rules 2016 – Division 4

Subdivision G—Re-crediting HELP balances

89 Explaining re-crediting

(1) An approved course provider must have processes and procedures for explaining the re-crediting of students' HELP balances under Division 2 or 3 of Part 6 of the Act.

(2) The processes and procedures must explain the following:

(a) that a student's HELP balance can be re-credited under Division 2 or 3 of Part 6 of the Act;

(b) that a student may apply to the provider for the student's HELP balance to be re-credited under section 68 of the Act because of special circumstances;

(c) that a student may apply to the Secretary for the student's HELP balance to be re-credited under section 71 of the Act because:

(i) 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 loan; or

(ii) the provider has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student;

(d) that 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 impracticable 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 the part of the course;

(e) that applications for re-crediting under section 68 of the Act must be made within 12 months after the census day for the course, or the part of the course, concerned, or within that period as extended by the provider;

(f) that applications for re-crediting under section 71 of the Act must be made within 5 years after the census day for the course, or the part of the course, concerned, or within that period as extended by the Secretary;

(g) the processes available to students in relation to reconsideration and review of decisions whether or not to re-credit HELP balances;

(h) that there is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal;

(i) that the Secretary may re-credit a student's HELP balance in relation to special circumstances if a course provider:

(i) is unable to act or is being wound up or has been dissolved; or

(ii) has failed to act and the Secretary is satisfied that the failure is unreasonable.