

ESOS Act 2000

Sets out requirements for providers for:

- CRICOS Registration
- Reporting student enrolment and enrolment variations
- Honest conduct towards students
- Payment & refund of tuition fees
- Other consumer protection for students
- Charges payable
- Enforcement

The National Code

- Provides nationally consistent standards for the registration & conduct of registered providers & the conduct of persons who deliver educational services on behalf of registered providers
- It is a legislative instrument, created under powers determined by, and legally enforceable under, the ESOS Act
- The revised National Code came into effect on 1 July 2007

The National Code 2007

Changes to compliance monitoring requirements

- Principal Executive Officers must sign annual statement of compliance.
- Independent audit to be conducted every 5 years
- DEST or DIAC may still exercise monitoring powers at any time

Marketing and Recruitment – Practices

- As of 1 July, providers must not actively recruit a student enrolled at another provider in the first six months of the student's principal course
- Such a student can be accepted, and a CoE issued, only if the student has been released by the original provider

Education Agents

- A provider must enter into a written agreement with any agent with which it has an ongoing or significant relationship

Student Support Services

- A provider is responsible for approving and monitoring the welfare and accommodation arrangements for under-18 students unless the student is living with a

- suitable relative.
- There must be documented procedures for determining and monitoring such arrangements
 - Must have a documented Critical Incident Policy
 - All staff who interact with international students must be aware of provider's ESOS obligations & their implications for students

Complaints and Appeals

- New Code specifies complaints and appeals provisions in more detail
- Time limit for commencement of complaints and appeals processes
- Must be formal arrangements in place for referral to external body if internal processes exhausted
- Refer to website:
http://info.anu.edu.au/studyat/International_Office/student_life/_mediation.asp

Academic Progress

Principles

- > Completion within minimum course duration
- Students expected to complete by end date of CoE.
- CoE duration must correspond to registered course length on CRICOS
- Registered length must correspond to minimum duration at 100% load*

Academic Progress

Principles

- Academic progress
- Must be formal course progress policies and procedures (content up to provider – within limits)
- Must be a formal early intervention strategy (EIS) for students at risk of not meeting requirements.
- Students cannot be excluded if EIS has not been implemented.
- Progress must be monitored at end of each study period

Academic Progress

Principles

3.Course Credit

Where course credit granted, the provider must:

- Have documented procedures for the granting and recording of course credit
- Provide a record of the course credit to the student

Academic Progress

Principles

- Students can extend their CoE, and student visa, in these circumstances:
 - compassionate or compelling circumstances
 - where the formal early intervention strategy has been implemented for students at risk
 - where an approved deferment or suspension of study (Leave of Absence) has been granted.

Academic Progress

Principles

- Study Load
- Study load may now be modified:
 - if required by the EIS
 - if a prerequisite unit cannot be offered
 - in other compelling or compassionate circumstances

Student Enrolment

- Reporting of variations to student enrolment must occur on PRISMS within 14 days of the change
- Maximum penalty for false or misleading reporting, or failure to report – 1 year imprisonment
- New rules for suspending and deferring study:
 - ✓ Greater flexibility in suspending study while maintaining validity of student visa
 - ✓ Responsibility on providers to assess applications for LOA against provisions of the National Code

Implementation Action

- Improve or develop ANU policies and procedures in line with the new changes. ANU working parties have been meeting for implementing the National Code: Course Credit, Academic Progress, and Complaints and Appeals.
- Office of Policy and Regulation Roadshows to be held in January 2008.
- Standard procedure manuals/templates across the University.
- Internal audit to be conducted annually prior to signing of compliance statement.