

CP026 Learner Review (Re-crediting a FEE-HELP Balance) Procedure

1. Purpose

Provide instructions for determining whether a learner who withdraws from their VET units of study after the census date is entitled to have their FEE-HELP balance re-credited, and to provide a further avenue for action in the event that a learner does not agree with a decision not to re-credit their FEE-HELP balance.

2. Scope

This procedure applies to all domestic prospective and currently enrolled learners of Wodonga TAFE who would be eligible to receive VET FEE-HELP assistance.

3. Scheduled Review Date

31 May 2012

4. References

POL19 VET Tuition Fee Refund Policy
Higher Education Support Act 2003
VET Provider Guidelines 1st July 2009
VET Provider Handbook September 2010
CP006 Student Grievance/Appeals Procedure
Appendix 1 Contact details for the Administrative Appeals Tribunal (AAT)

5. Definitions

See Wodonga TAFE glossary on StaffNet for current definitions. For the purpose of this procedure:

Initiator is the learner who is applying to have their FEE-HELP balance re-credited.

Unit refers to a 'VET unit of study' which applies to a subject or unit that a student may undertake as part of a course of study in which the student may access VET FEE-HELP to pay for all or part of their tuition fees for that unit.

Review means 'formal reconsideration of a procedure'.

Principles of Natural Justice (*also termed Procedural Fairness*) have been identified by the Human Rights and Equal Opportunity Commission (*HREOC*):

- The person who is the subject of concern must know all the allegations in relation to their behaviour.
- They must have a full opportunity to put their case.
- All parties relevant to the issue must have the right to be heard.
- All relevant submissions and evidence must be considered.
- Matters that are not relevant must not be taken into account.
- The person who raises the concern must not have responsibility in establishing the process.
- The decision-maker must be fair and just.

6. Procedure

Item	Action/Comment	Responsibility
1.	<p>If a learner withdraws from a VET unit of study after the census date they are able to apply for a re-credit of their FEE-HELP balance.</p> <p>An application for a re-credit must be made in writing to the Finance Manager, within 12 months of the withdrawal date, or if the learner has not withdrawn, within 12 months of the end of the period of study in which the VET unit was undertaken.</p> <p>The learner should include any relevant supporting documentation, for example, a letter from the learner's doctor to support the learner's claims.</p>	Initiator
2.	<p>If the Finance Manager is satisfied that special circumstances apply to the learner that were:</p> <ul style="list-style-type: none"> • beyond the learner's control • did not make their full impact on the learner until after the census date • made it impracticable for the learner to complete the requirements for the unit in the period during which the learner undertook, or was to undertake. <p>Then the Finance Manager must re-credit the learner's FEE-HELP balance with an amount equal to the amount of VET FEE-HELP assistance that the learner received for that VET unit of study.</p> <p>Special circumstances which would make it impracticable for the learner to complete the requirements for their unit may include:</p> <ul style="list-style-type: none"> • medical circumstances, for example, where a learner's medical condition has changed to such an extent that he/she is unable to continue studying • family/personal circumstances, for example, death or severe medical problems within a family, or unforeseen family financial difficulties • employment related circumstances, for example, where a learner's employment status or arrangements have changed so that the learner is unable to continue his/her studies, and this change is beyond the learner's control • course related circumstances, for example, where Wodonga TAFE has changed the unit it had offered and the learner is disadvantaged by either not being able to complete, or not being given credit towards other units or courses. 	Finance Manager
3.	<p>The learner is advised of the outcome of their application within 28 days of receipt stating the reasons for the decision including the learners rights for a review of the decision if they are not satisfied with the outcome, and that the time limit for applying for a review of a decision is 28 days from the day the learner first received notice of the decision.</p>	Finance Manager
4.	<p>Where the decision results in the re-crediting of a learner's FEE-HELP balance, Wodonga TAFE will notify the Department of Education, Employment and Workplace Relations (<i>DEEWR</i>) through the HEPCAT Revisions File.</p>	Continuous Improvement & Administration Services
5.	<p>If a learner wishes to apply for a review of a decision not to re-credit their FEE-HELP balance they must submit their request in writing to the General Manager Finance & Resources within 28 days from the day the learner first received notice of the decision.</p> <p>The learner must state the reasons why they are applying for a review and include any relevant supporting documentation.</p>	Initiator

Item	Action/Comment	Responsibility
6.	Acknowledge receipt of the request for a review and inform the learner that they will be notified within 45 days of receiving the request, of the review outcome. The acknowledgement of receipt will also contain information on the learner's right to appeal to the Administrative Appeals Tribunal (AAT); including details of the closest AAT office and the approximate cost of lodging an appeal (<i>Appendix 1</i>).	General Manager Finance & Resources
7.	The General Manager Finance & Resources will: <ul style="list-style-type: none"> • seek all relevant information from the Finance Manager (<i>who made the original decision</i>) • ensure that the Principles of Natural Justice were adhered to in the decision making process • review the case within 45 days and decide whether to confirm the decision; vary the decision; or set the decision aside and substitute a new decision • notify the learner, in writing, of their decision and the reasons for making the decision • advise the learner of their right to access <i>CP006 Student Grievance/ Appeals Procedure</i> or alternatively to appeal directly to the Administrative Appeals Tribunal (AAT) for a review of the decision. 	General Manager Finance & Resources
8.	The learner has the option to appeal the decision as per <i>CP006 Student Grievance/Appeals Procedure</i> . Alternatively the learner may make an application to the Administrative Appeals Tribunal (AAT) for a reconsideration of the decision to refuse to re-credit their FEE-HELP balance, and may supply additional information to the AAT which they did not previously supply to Wodonga TAFE either in the original application or the request for review.	Initiator

7. Record, Retention and Archiving

Record Title	Retention Requirement	Location of Storage/Archive/ Other Requirements
Application for re-credit (<i>in writing</i>)	PROS 07/01, class 5.1.1	Temporary – destroy 7 years after the completion of the financial years in which the record was created
Supporting documentation	PROS 07/01, class 5.1.1	Temporary – destroy 7 years after the completion of the financial years in which the record was created
Request for a review of a decision (<i>in writing</i>)	PROS 07/01, class 5.1.1	Temporary – destroy 7 years after the completion of the financial years in which the record was created
Final decision (<i>in writing</i>)	PROS 07/01, class 5.1.1	Temporary – destroy 7 years after the completion of the financial years in which the record was created

8. Appendix

Appendix 1 Contact details for the AAT

9. Record of Revision

Date	Summary of change
May 2011	Minor updates due to scheduled review. Updated VET provider's handbook version details.

Appendix 1 Contact details for the Administrative Appeals Tribunal (AAT)

The full contact details to be provided to the learner for the Administrative Appeals Tribunal (AAT) are:

Street Address

Administrative Appeals Tribunal
Level 16, HWT Tower, Southgate
40 City Road
Southbank VIC 3006

Postal Address

Administrative Appeals Tribunal
PO Box 9955
Melbourne VIC 3001

Telephone

(03) 9282 8444 (metropolitan area)
1300 366 700 (country areas).

The learner should also be advised of the approximate current cost of applying for a review and that when the review is completed if the AAT decides that it is finalised in the learner's favour this fee is refunded.

The learner does not have to pay the application fee if they fall into one of the following groups:

- receiving legal aid for their application
- holds a health care card, a pensioner concession card, a Commonwealth seniors health card or any other card that certifies entitlement to Commonwealth health concessions
- in prison or lawfully detained in a public institution
- under 18 years of age; or
- receiving Youth Allowance, AUSTUDY or ABSTUDY.