



**POLICIES AND PROCEDURES MANUAL**  
**Section 26**  
**RE-CREDITING VET FEE-HELP BALANCES**

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## **1. POLICY STATEMENT**

Lennox Institute will conduct this procedure in compliance with Schedule 1A of the Higher Education Support Act 2003 (HESA) and the VET Provider Guidelines.

## **2. PURPOSE**

The purpose of this policy is to outline the procedure for the re-crediting of FEE-HELP balances for all potential and currently enrolled domestic students who are or would be entitled to VET FEE-HELP assistance.

## **3. SCOPE**

This procedure applies to all potential and currently enrolled students who are or would be entitled to VET FEE-HELP assistance and who may wish to seek a re-credit of their FEE-HELP balance.

## **4. PROCEDURE**

### **4.1 APPLYING FOR RE-CREDIT OF VET FEE-HELP BALANCE**

A student can apply to Lennox Institute to have their VET FEE-HELP balance re-credited if they withdraw from a VET unit of study after the census date and/or the student has not completed the requirements for the unit of study. The student must apply in writing, within three (3) months of the withdrawal date, or if the student has not withdrawn, within three (3) months of the end of the period of study in which the unit was, or was to be, undertaken. Lennox Institute has the discretion to waive this requirement if it is satisfied that the application could not be made within the time limit.

Lennox Institute must consider the student's application within twenty-eight (28) days from receipt of the application. Lennox Institute will publish in the Student Handbook the timeframe it will consider applications, and when it will notify students of a decision. The Student Handbook will be published at [www.lennoxinstitute.org](http://www.lennoxinstitute.org).

Lennox Institute must re-credit a student's VET FEE-HELP balance if Lennox Institute is satisfied that special circumstances apply to the student that are:

- beyond the student's control;
  - Lennox Institute will be satisfied that a student's circumstances are beyond that person's control if a situation occurs which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible.
  - This situation would be unusual, uncommon or abnormal.
- do not make their full impact on the student until on, or after, the census date,
  - Lennox Institute will be satisfied that a student's circumstances did not make the full impact on the person until on or after the census date for a unit of study if the person's circumstances occur:
    - before the census date, but worsen after that day; or
    - before the census date, but the full effect or magnitude does not become apparent until on or after that day; or
    - on or after the census date.
- make it impracticable for the student to complete the requirements for the unit during the period in which the student undertook, or was to undertake, the unit.
  - Special circumstances which would make it impracticable for the student to complete the requirements for the unit of study would include:
    - medical circumstances: where a student's medical condition has changed to such an extent that he or she is unable to continue studying or
    - family/personal circumstances: death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue studies or

- employment related circumstances: where a person's employment status or arrangements have changed so that the person is unable to continue his or her studies, and this change is beyond the person's control or
- course-related circumstances: where Lennox Institute has changed the VET unit of study it had offered and the person is disadvantaged by either not being able to complete the VET unit of study, or not being given credit towards other VET units of study or courses.

Each application will be examined and determined on its merits. Lennox Institute will consider the student's claims, together with independent supporting documentary evidence which substantiates these claims.

#### **4.2 REVIEW OF DECISION**

A student has the right to apply for a review of a decision to not re-credit the VET FEE-HELP balance. The time limit for applying for a review of a decision is twenty-eight (28) days from the student receiving notice of the decision, or such longer period as the reviewer allows. The student must state the reasons why he or she is applying for a review. The student must make an application to the review officer.

The review officer will notify the student of the decision and the reasons for making the decision. The review officer will advise the student of his or her right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the review officer's decision if the student is unsatisfied with the outcome.

#### **4.3 RECONSIDERATION BY THE ADMINISTRATIVE APPEALS TRIBUNAL (AAT)**

A student may make an application to the AAT for a reconsideration of the Lennox Institute's decision to refuse to re-credit a student's VET FEE-HELP balance and may supply additional information to the AAT which he or she did not previously supply to Lennox Institute (including the Lennox Institute's reviewer).

The Secretary of Department of Education or his delegate will be the respondent for cases which are before the AAT. Once Department of Education has received notification from the AAT that the student has applied for the reconsideration, under section 37 of the Administrative Appeals Tribunal Act 1975 (AAT Act), the Secretary must lodge the following documents with the AAT within twenty-eight (28) days:

- a) a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision; and
- b) every other document or part of a document that is in the reviewer's possession or under the reviewer's control and is considered by the reviewer to be relevant to the review of the decision by the Tribunal.

Upon receipt of notifications from the AAT, Department of Education will notify Lennox Institute in writing that an appeal has been lodged. Following such notifications Lennox Institute MUST within a further five (5) business days provide Department of Education with all the original documents they hold relevant to the appeal. These documents should be sent to Department of Education by courier or Express Post (Lennox Institute should keep copies of the documents for their own records).

### **5. CONTACTS**

To assist you in your initial application to re-credit a VET FEE-HELP balance, please contact the General Manager, Training who is responsible for making the initial decision about re-crediting FEE-HELP balances.

Quality Manager  
Lennox Institute  
PO Box 732  
Seven Hills NSW 1730  
Telephone: 1300 130 666

To assist in an application for reviewing the initial decision, please contact the Chief Executive Officer who is the Review Officer for re-crediting FEE-HELP balances decisions.

Chief Executive Officer  
Lennox Institute  
PO Box 732  
Seven Hills NSW 1730  
Telephone: 1300 130 666

To assist in an application for reviewing the Review Officer's decision, please contact the Administrative Appeal Tribunal (AAT) – refer to Guidelines for Student Learning Entitlement under the Higher Education Support Act 2003.

Administrative Appeals Tribunal  
GPO Box 9955  
Sydney NSW 2001

## **6. PUBLICATION**

This Fairness and Equal Benefits and Opportunities Policy and Procedure will be made publically available on the Lennox Institute website [www.lennoxinstitute.org](http://www.lennoxinstitute.org).

## **7. RELATED DOCUMENTS**

- Higher Education Support Act 2003 (HESA)
- VET Guidelines 2013
- VET Provider Guidelines
- VET FEE-HELP Refund Policy v2.0\_04\_15

## **8. ISSUE HISTORY**

<b>Version Date</b>	<b>Revision Details</b>
25/07/2014	Release of new policy
07/04/2015	Update contact officer and versioning