

Policy and Procedure	
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Policy Name	Compassionate and Compelling Circumstances Policy and Procedure
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Responsible officer	Manager International Education
Contact officer	Manager International Education, Education Manager
Endorsed by	Continuous Improvement Committee
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TABLE OF CONTENTS

1. INTRODUCTION	1
1.1. PURPOSE.....	2
1.2. SCOPE	2
1.3. LEGISLATIVE CONTEXT	2
1.4. DEFINITIONS	2
2. POLICY STATEMENT	2
2.1. ASSESSMENT OF COMPELLING AND COMPASSIONATE CIRCUMSTANCE.....	2
2.2. CIRCUMSTANCES NOT CONSIDERED COMPELLING AND COMPASSIONATE.....	3
3. PROCEDURES	3
<i>6.1 Staff Roles</i>	3
3.1. STUDENT ROLES	4
4. RELATED POLICIES AND PROCEDURES	4
5. IMPLEMENTATION	4
6. RESPONSIBILITIES	4
7. ATTACHMENTS	4
8. PROCESS MAP	5

1. INTRODUCTION

1.1. Purpose

ABILITY English recognises that there might be compassionate and compelling circumstances beyond the control of the student that have an impact upon the student's ability to progress through their course and/or will have an impact on their general wellbeing. ABILITY English providers will consider the documentary evidence provided by the student to support their claim and assess each case on its individual merits.

1.2. Scope

This policy applies to:

- international students enrolling in ABILITY English courses
- ABILITY English Marketing, Admissions, Student Services and Education staff.

1.3. Legislative Context

This policy satisfies the requirements of The ESOS Act 2000 and The National Code of Practice for Providers of Education to Overseas Students 2018.

1.4. Definitions

ABILITY English Ability Education Pty Ltd trading as ABILITY English

Compassionate and compelling circumstances involuntary family, medical or general wellbeing reasons beyond the control of the student.

Beyond control circumstances or situations which could not have been prevented and in which there is little or no alternative.

ESOS Act Education Services for Overseas Students Act 2000.

2. POLICY STATEMENT

ABILITY English will determine whether compassionate or compelling circumstances exist, based on documentary evidence provided by the student to support the claim. Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing.

2.1. Assessment of Compelling and Compassionate Circumstance

Compassionate and compelling circumstances could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes
- critical illness of close family members such as spouse/partner, parent, grandparent or sibling (a medical certificate is required)
- bereavement of close family members such as spouse/partner, parent, grandparent or sibling (where possible a death certificate should be provided)
- major political upheaval or natural disaster in the home country requiring emergency travel which has impacted on the student's studies
- inability to begin studying on the course commencement date due to delay in receiving a student visa
- a traumatic experience, which could include:
 - involvement in, or witnessing a serious accident; or
 - witnessing or being the victim of a serious crime, which has impacted on the student (supported by police or psychologists' reports).
- a statement of reasons or a claim for a request that is supported by sufficient, authentic and compelling evidence to support that argument or claim
- other compassionate and compelling circumstances, at the discretion of the relevant approving authorities or their nominated officers.

2.2. Circumstances Not Considered Compelling and Compassionate

Compassionate and Compelling Circumstances do not include the following:

- circumstances which are expected in the normal course of the Student's study, work, family or social life that are within the control of the student
- failure to understand or seek clarification of the course timetable
- inability to pay tuition fees
- international student visa holders must not rely on the proceeds of paid employment in Australia to support their studies or living costs
- an increase in hours or duties of paid or unpaid employment which is at the request of the individual student.

3. PROCEDURES

6.1 Staff Roles

Marketing, Admissions, Student Services and Academic staff need to ensure that where applicable:

- students are informed of the need to provide appropriate documentation, using the appropriate forms as applicable for their circumstances and outlined in the applicable policy and procedure
- documentation received or sighted complies with the criteria as defined in this policy

- advise student to consult Department of Home Affairs and/or agent regarding any impact on their visa.

3.1. Student Roles

Students are requested to provide:

- medical certificates issued by a registered medical practitioner, issued on formal letterhead, including the contact details of the medical practitioner and the registration number of the doctor, stating that the student is unfit to attend classes including a brief reason and include the specific duration the student will be unfit to attend classes
- death certificates (if applicable) provided as evidence must be translated into English and be certified
- if a death certificate is unavailable a notice from the funeral home or letter from a prominent community spokesperson or village elder can be provided
- evidence in support of a claim of a traumatic experience, such as police reports, a registered psychologists' reports or letter/report issued by other suitably qualified professional
- evidence of a major political upheaval or natural disaster having occurred within reasonable proximity of the student, and is, or was likely to have had an impact on the student's ability to continue or commence their studies.

4. RELATED POLICIES AND PROCEDURES

EDN-007-I-POL Transfer Between Registered Providers Policy and Procedure
EDN-010-I-POL Monitoring Course Progress Policy and Procedure
EDN-013-I-POL Deferral, Suspension and Cancellation Policy and Procedure

5. IMPLEMENTATION

The Compassionate and Compelling Circumstances Policy is made available via ABILITY English's website externally and on the ABILITY English's Intranet internally.

6. RESPONSIBILITIES

Manager International Education or approved delegate

7. ATTACHMENTS

N/A

8. PROCESS MAP

N/A