

1. PURPOSE

To provide governance relating to compliance with the ESOS legislative framework in providing education and support to overseas learners.

2. SCOPE

Applies to all Holmesglen employees involved in the provision of education and support to Holmesglen prospective and current overseas learners.

3. POLICY STATEMENT

Holmesglen is committed to delivering quality education and support to overseas learners and intending overseas learners. Holmesglen has policies, procedures, and documented processes in managing overseas learners from marketing and recruitment, through admission, enrolment, learning and assessment to completion.

4. PRINCIPLES

4.1 Marketing information and practices

- (i) Marketing and promotional materials to potential overseas learners is not false or misleading and contains true and accurate information pertaining to Holmesglen Institute, its courses and outcomes associated with its courses and includes its CRICOS registered name and registration number and are consistent with Australian Consumer Law.
- (ii) Comprehensive, current, and plain English information is provided to learners for them to make informed decisions about studying at the Institute. This information is available through the *International Study Guide* and on the website <https://www.holmesglen.edu.au/study-with-us/international-student-study>
- (iii) Prospective learners are made aware of any required prerequisites including sufficient language proficiency, educational qualifications and/or work experience to enrol in the course and are informed of the opportunity to apply for credit or recognition of prior learning.
- (iv) Prospective overseas learners are made aware that they must be 18 years of age at the time of commencement of their first course of study.
- (v) Holmesglen promotes academic integrity in all courses and has information and processes to support learners in their academic integrity obligations.

4.2 Recruitment of Overseas Learners

- (i) Prospective overseas learners' applications are either received via education agents that hold an approved Third Party Agreement for Recruitment of Overseas Students with Holmesglen or in limited cases directly from the learner.
- (ii) All prospective overseas learners are provided with comprehensive and plain English Information including but not limited to:
 - (a) the requirements for an overseas learner's acceptance into a course, including the minimum level of English language proficiency, educational qualifications or work experience required, and course credit if applicable.
 - (b) course information including content, duration, modes of study and details of any compulsory work-based training or practical placements, collaborative research training arrangements and assessment methods.
 - (c) information regarding achieving satisfactory course progress specific to the course.
 - (d) Information about tuition and non-tuition fees including cancellation and refund policies.

- (e) The grounds on which the overseas learner's enrolment may be deferred, suspended, or cancelled.
 - (f) campus locations and facilities, equipment and learning resources available to learners.
 - (g) Accommodation options and information about living in Australia.
 - (h) Term breaks and holidays.
 - (i) Details about the ESOS framework including links to this material online.
- (iii) Suitability of overseas learners is assessed prior to enrolment which includes learners' English language proficiency, educational qualifications and/or work experience to ensure that these are as per the course entry requirements.
 - (iv) Overseas learners must be 18 years of age at the time of commencement of their first course of study.
 - (v) No more than fifty percent (50%) of tuition fees are paid prior to enrolment unless the overseas learner or person responsible for paying fees requests to pay more or the course is twenty-five (25) weeks or less. The refund of fees processes and information are provided to overseas learners before formalisation of their enrolment.
 - (vi) A documented process is in place for assessing and recording recognition of prior learning (RPL), and granting and recording course credit, where appropriate, ensuring that the decision to assess prior learning or grant course credit preserves the integrity of the award to which it applies and complies with requirements of the underpinning educational framework of the course.

4.3 Education Agent Management

- (i) Holmesglen has a Third-Party Agreement for Recruitment of Overseas Students with each Education Agent that is engaged to recruit overseas learners.
- (ii) Holmesglen's agent appointment and ongoing monitoring and evaluation of its Education Agents ensures they act ethically, honestly and in the best interests of its overseas learners and to uphold the reputation of the international education sector.
- (iii) Education Agents are appointed for an initial period of up to one (1) year and may subsequently be renewed for additional periods of up to two (2) years at the discretion of Holmesglen and in line with the Institute's strategic direction.
- (iv) Agents are expected to provide current, accurate and honest information to support prospective overseas learners to make informed decisions.
- (v) Agent's performance is monitored at least annually through the:
 - a. analysis of Confirmation of Enrolment Data in PRISMs
 - b. monitoring of Holmesglen's Complaints Register to identify complaints relating to Education Agents.
- (vi) Immediate corrective actions or termination of agreement is taken if an agent is found not to be complying with the national code or if it is known or suspected that an agent is engaging in unethical recruitment practices.
- (vii) Holmesglen maintains current education agent agreement details on our website and in the Provider Registration and International Student Management System (PRISMS).

4.4 Enrolment and Written Agreements

- (i) The enrolment of overseas learners' is formalised through a written agreement with the learner. The written agreements protect the rights and set out the responsibilities of Holmesglen and the learner, as well as the courses and related education services to be provided, tuition and non-tuition fees payable, and refund policies.

- (ii) The international student application form, together with the International Study Guide, Letter of Offer and the Offer acceptance form constitutes the written agreement between Holmesglen and the overseas learner.
- (iii) Records of all written agreements as well as receipts of payments made by learners under the written agreement are retained for at least two years after the overseas learner ceases to be an accepted learner.

4.5 Overseas Learner Support

- (i) Holmesglen provides its overseas learners with access to support services to assist their transition to studies and to support their mental and physical well-being.
- (ii) Holmesglen provides an orientation program to support overseas learners in adapting to living in Melbourne, Australia and studying at Holmesglen Institute. The orientation program provides information on the support services available including safety guidelines and emergency contact details, student's rights and obligations, English language and study assistance programs, course attendance and progress requirements, complaints, appeals and feedback processes and employment rights and conditions and how to solve workplace issues.
- (iii) A safe environment on campus and in online learning spaces is provided to all learners and information on safety awareness relevant to life in Australia and on how to report a critical incident including incidents of sexual assault and harassment is provided.
- (iv) Adequate employees and education resources are provided for the delivery of education and support to overseas learners.
- (v) Access to learning support services consistent with the requirements of the course, mode of study and the learning needs of overseas learner cohorts is facilitated through documented processes for supporting overseas learners.

4.6 Attendance and Progress Monitoring to meet Student Visa Requirements.

- (i) Teaching and assessment are offered on the basis of full-time study, with at least 20 scheduled course contact hours per week. Online study can only make up a maximum of one third of the total course and at least one unit / subject is provided face to face in each enrolment period of the course.
Overseas learners must make satisfactory course progress and, where applicable, maintain satisfactory attendance (ELICOS only) as a condition of their student visa.
- (ii) Holmesglen identifies early risk indicators and offers support to its overseas learners at risk of not meeting course progress and attendance requirements. Overseas learners at risk of not meeting course progression requirements are identified and notified and assisted with interventions and support strategies.
- (iii) Holmesglen monitors the progress of each overseas learner to ensure the overseas learner can complete the course within the expected duration specified on the overseas learner's Confirmation of Enrolment (CoE) and fulfil their student visa requirements for course attendance and course progress.
- (iv) Holmesglen may extend the duration of an overseas learner's enrolment in certain circumstances and where intervention and support strategies have been identified. In these instances, the confirmation of enrolment (CoE) is updated in PRISMS and issued to the overseas learner. Overseas learner/s are informed to contact the Department of Home Affairs on any potential impacts on their student visa.

4.7 Transfers

- (i) Holmesglen must not knowingly enrol an overseas learner seeking to transfer from another registered provider's course prior to the overseas learner completing six (06) months of their principal course, and exceptions to this requirement are documented.

- (ii) Overseas learners are permitted to transfer to another provider after completion of the first six (06) months of their principal course.
- (iii) A documented process is implemented for assessing overseas learner's transfer requests prior to the learner completing the six (06) months. All transfers are recorded in the Provider Registration International Student Management System (PRISMS).
- (iv) Written notification of refusal of transfer requests are provided to Overseas learners and their right to appeal through Holmesglen's complaints and appeals processes within twenty (20) working days.
- (v) Holmesglen maintains records of all requests from overseas learners for a release and the assessment of, and decision for all transfer requests.

4.8 Enrolment Amendments (Deferment, Suspension, Cancellation)

- (i) Overseas learner's enrolment can be deferred, suspended, or cancelled. This may be initiated by either the overseas learner for compassionate and compelling circumstances, or by Holmesglen for an overseas learner's breach of visa conditions, failure to pay fees, misbehaviour, or other condition listed in Holmesglen's policies.
- (ii) The process for the assessing, approving, and recording a deferment, suspension or cancellation of enrolment is documented and records maintained.
- (iii) Holmesglen may initiate an intention to defer, suspend or cancel an overseas learner's enrolment, the intention, and reasons for doing so are given to the Overseas learner in writing and includes information about the right to appeal the decision within twenty (20) working days.
- (iv) The grounds on which the Overseas learner's enrolment may be suspended or cancelled are outlined in the terms and conditions of enrolment and include:
 - (a) misbehaviour by the overseas learner
 - (b) the overseas learner's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement.
 - (c) a breach of course progress or attendance requirements by the overseas learner.
- (v) The suspension or cancellation of the learner's enrolment will not take effect until the appeals process is completed, unless the overseas learner's health or wellbeing, or the wellbeing of others is likely to be at risk.
- (vi) Overseas learners are informed of the need to seek advice from the Department of Home Affairs on the potential impact of their student visa.
- (vii) Changes relating to the deferment, suspension or cancellation of the overseas learner's enrolment are reported in PRISMS.

4.9 Educational Quality and compliance

- (i) All employees who interact directly with overseas learners are aware of the obligations under the ESOS framework and the potential implications for overseas learners arising from the exercise of the obligations.
- (ii) Monitoring activities are implemented to ensure compliance with the ESOS Framework and reported at relevant management and governance committees.

ACCOUNTABILITIES

Action	Accountability
<ul style="list-style-type: none"> ▪ Education agents sign an approved agreement form and act in accordance with the ESOS Act. 	Executive Director People, Global Relations and Industry Engagement

Action	Accountability
<ul style="list-style-type: none"> Monitoring activities for educational agents are implemented and reported at relevant management and governance committees. 	
Overseas learners offered a place in a course at Holmesglen meet the course entry requirements.	Executive Director People, Global Relations and Industry Engagement
Welfare of all overseas learners is monitored, and support is provided.	Executive Director Engagement and Support
Delivery of courses to overseas learners meets the ESOS legislative requirements.	Executive Director Education and Applied Research
Ensure all employees who interact directly with overseas learners are aware of the obligations under the ESOS framework.	Executive Director People, Global Relations and Industry Engagement Executive Director Engagement and Support Executive Director Education and Applied Research

5. DEFINITIONS

Term	Meaning
Overseas learners	<p>Overseas learners are persons as defined within Section 5 of the ESOS Act who (whether inside or outside Australia) hold a 'student visa' to undertake study in a course that is registered on the CRICOS Register.</p> <p>Persons with the following visas are excluded (as defined in regulation 1.03 of the Migration Regulations 1994):</p> <ul style="list-style-type: none"> a Subclass 576 (Foreign Affairs and Defence Sector) visa, or a person who satisfies the secondary criteria, but not the primary criteria, under the Migration Regulations 1994 for the grant of the visa, or a secondary exchange student within the meaning of the Migration Regulations 1994, or an overseas student who has been approved under a scholarship scheme, or an exchange scheme, sponsored by the Commonwealth to undertake a course of study or training in Australia. Learners who study in programs delivered by Holmesglen offshore and do not require a student visa are not defined as overseas learners in the context of this policy.
Education Agents	A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers. An education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).
Principal Course	The principal course refers to the main course of study to be undertaken by an overseas student where a student visa has been

Term	Meaning
	issued for multiple courses of study. The principal course would normally be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses.
Practical placement	Includes work related activities undertaken within industry and is a requirement of the course/program of study. These may include: <ul style="list-style-type: none"> ▪ Clinical placement ▪ Clinical practicum ▪ Clinical practice ▪ Field work ▪ Internship ▪ Work experience ▪ Work integrated learning in accordance with Schedule 1 of the Higher Education Support Act 2003.

6. CONTEXT AND/OR REFERENCED DOCUMENTS

Internal

Educational Quality Assurance Rule
 Academic Integrity Policy
 Articulation and Credit Policy (Higher Education)
 Assessment and Moderation Policy (Higher Education)
 Appeals Policy (Learners)
 Complaints Policy (Learners)
 Conduct and Discipline Policy (Learners)
 Critical Incident Management Plan
 Support and Wellbeing Policy (Learners)
 Enrolment Policy
 Operational Authorisation Policy
 Sexual Harassment and Sexual Assault Policy
 Teaching and Learning Policy (Higher Education)
 Training and Assessment System Policy (VET, ELICOS and Secondary Courses)
 Learner Support Framework
 Third Party Agreement - Educational Services Policy

External

[Education Services for Overseas Students Act 2000.](#)
[Education Services for Overseas Students Regulations 2019.](#)
[Education Services for Overseas Students \(Registration Charges\) Act 1997.](#)
 Education Services for Overseas Students (TPS Levies) Act 2012.
[ELICOS Standards 2018.](#)
[National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
 (The National Code 2018).
[Standards for Registered Training Organisations 2015.](#)
[Higher Education Standards Framework \(Threshold Standards\) 2021.](#)

7. REVIEW

This policy must be reviewed no later than three years from the date of approval.

Owner: *Exec Officer Quality and Education Compliance*

Authorisation: *Chief Executive*

Verification: *June 2027*

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Date: June 2024

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The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

8. VERSION HISTORY

Version Number	Date	Summary of changes
1	September 2019	New Policy.
2	October 2019	Updated list to include ESOS Regulations 2019 and Higher Education Articulation and Credit Policy in 'Context and/or Referenced Documents' and amendments.
3	November 2020	Amendment to Clause 4.2 (i).
4	June 2024	Revised and updated to include changes to accountabilities. Clarify actions Holmesglen will undertake to meet ESOS regulatory requirements.