

REFUND FOR OVERSEAS STUDENT POLICY AND PROCEDURE

Policy

The Australian Performing Arts Grammar School's written agreement provides information about refunds to overseas students.

The terms and conditions for refunds as described in the School's written agreement are fair and reasonable.

The School's written agreement:

- sets out the refund obligations that apply if an overseas student defaults in relation to a course at APGS;
- **and**
- meets the requirements set out in the National Code.

APGS provides a refund to overseas students in accordance with the provisions of the *ESOS Act 2000* and the *ESOS (Calculation of Refund) Specification Act 2014* in the following circumstances:

- overseas student default
 - due to visa refusal
 - where there is no written agreement in place
 - where the written agreement is not compliant
- APGS default, if the overseas student has not accepted any alternative course offered by the School.

Any other refunds to overseas students will be provided in accordance with the School's written agreement including that APGS will withhold one term's fees and refund any additional unspent tuition and/or non-tuition fees.

Refunds paid under this policy, are paid to the signatory on the written agreement. Refunds will be made in Australian dollars using the [ASX Foreign Exchange Rate at the date of transfer of funds].

Procedure

Application for a refund

1. An applicant must submit a completed Refund Application Form to the Admissions Officer within 28 days of the end of the student's enrolment with APGS. Supporting documentation must be submitted with the Refund Application Form.
2. The Admissions Officer will acknowledge receipt of the application for a refund, in writing, within 48hrs of receipt of the refund application form.
3. APGS may request further documentation to support the application for a refund.
4. The Head of School will review the application and supporting documentation.

Deciding about a refund

5. The Head of School will confirm the specific circumstances that apply to the application and categorise the reason for the refund – student default, provider default, another circumstance for refund.
6. The Head of School will recommend to the PEO whether the refund should be paid under the legislative requirements, this policy or the written agreement and/or how much money should be refunded.
7. If the overseas student is entitled to a refund under the *ESOS Act*, the Head of School will determine the amount of the refund using the *ESOS (Calculation of Refund) Specification Act 2014* (refund specification).

*See the Commonwealth's *Explanatory Guidance on the Education Services for Overseas Students (Calculation of Refund) Specification 2014* for further guidance on the calculation of refunds.
8. If a student is entitled to a refund under the written agreement or this policy, the Head of School will make a recommendation to the PEO about the amount of the refund.
9. The PEO makes decisions about refunds. All decisions will be made in line with the *ESOS Act*, this policy, the written agreement and the individual circumstances of any application.
10. The Admissions Officer will inform the overseas student of the PEO's decision in writing.
11. If the decision is to provide a refund, the Accounts Department will organise the money to be paid to the person who has signed the written agreement with the School.
12. If a refund will be paid because of provider default, the PEO will implement actions noted at item 18 – 26 below.

Finalising a refund

13. The Admissions Officer will ensure that refunds due to provider default are completed within 14 days.
14. The Admissions Officer will ensure that refunds due to student default or another reason are finalised within 28 days after receiving the completed Refund Application Form.
15. If the PEO refuses the application for a refund, the overseas student will be provided with the School's Complaints and appeals policy and procedures.
16. If the overseas student does not access the complaints and appeals process within 20 days, the Admissions Officer will send a letter to the overseas student confirming the decision and finalising the matter.
17. The Admissions Officer will maintain all records relating to refunds, in each overseas student's file.

Notifications – Provider default by APGS

18. The Head of School will make a default notification in PRISMS within 3 business days of the default. The notification will include all required information in the format required by PRISMS.
19. The Admissions Officer will notify affected overseas students in writing within 3 business days of the default.

Obligations – Provider default by APGS

20. APGS will discharge its obligations to overseas students within 14 days after the default day (the **provider obligation period**).

21. APGS will have discharged its obligations to overseas students if both of the following apply:

- APGS arranges for overseas students to be offered a place in a course in accordance with point 22 below;

and

- the overseas student accepts the offer in writing;

or

- APGS provides a refund in accordance with the refund specification.

22. APGS may arrange for overseas students to be offered a place in an alternative course at the School's expense.

23. If overseas students don't accept an offer of a place in an alternative course, or a place in an alternative course isn't identified, APGS will refund an amount in accordance with the refund specification *This Fact Sheet can help determine the amount to be paid.

24. The Admissions Officer will ensure all offers of placement and acceptance will be in writing and records will be kept on the student's file.

Notification of outcome of discharge of obligations – Provider default by APGS

25. APGS must give a notice to the DHA and the TPS Director via PRISMS within 7 days after the end of the provider obligation period (i.e. within 21 days after the default).

26. The Head of School will enter the notice in PRISMS in the required form and containing the required information.

INFORMATION ABOUT REFUNDS APPENDIX

*NOTES: A school provider could include this section in their written agreement. Often written agreements have information about withdrawal notice periods, fee schedules etc. School providers should review the information here and ensure it is accurate and consistent with any information contained in the written agreement.

What is a refund?

A refund is when money that has been paid to APGS for enrolment in a course is returned to the person who signed the overseas student written agreement with APGS.

Who can apply for a refund?

The person who signed the overseas student written agreement can apply for a refund from APGS.

How can I apply for a refund if I need one?

A Refund Application Form must be completed. The form can be requested from the Admissions Officer. The form must be completed in full and returned to the Admissions Officer. It can be returned via email to admissions@apgs.nsw.edu.au. When an application for a refund is submitted, the applicant will receive an email acknowledging receipt.

What are the reasons that I can apply for and receive a refund?

1. If APGS defaults. A 'provider default' is when:
 - APGS failed to start delivering the course for the student at the Australian Performing Arts Grammar School on the agreed starting dayOR
 - APGS was prevented from providing a course at APGS because a sanction has been imposed on it under Part 6 of the *ESOS Act*OR
 - the course ceased to be provided to the student by APGS at any time after it started but before it is completed (*except in the case of suspension or cancellation of enrolment, (see *Overseas Student Deferment, Suspension & Cancellation* policy)
2. APGS defaults, and offers me another course, but I don't accept it.
3. If I don't start my course at APGS because my visa is refused.
4. If I start my course at APGS but then my visa is cancelled or refused.
5. I withdraw from my course at APGS within or outside of the withdrawal day (giving 1 terms' notice period).
6. I transfer to a different school provider.

7. Insert any other reason your school provider will consider applications for a refund.

What are the reasons I can apply for a refund, but I might not be given one?

1. If my visa is refused or cancelled because I breach the visa conditions.
2. If my visa is refused or cancelled because I don't pay APGS the required fees.
3. If I misbehave and act against the School's policies and my behaviour results in the suspension or cancellation of my enrolment.

How is a refund amount calculated?

The minimum amount to be calculated for specific situations is determined by law in the *ESOS (Calculation of Refund) Specification Act 2014*. APGS cannot pay any less than the amount used in this calculation in specific situations.

APGS might choose to pay more than the minimum amount in some circumstances for compassionate or compelling reasons. The PEO of APGS will make this decision based on an application for a refund.

Some specific examples of how to calculate refunds are below

Example 1: A refund based on visa refusal

- if the visa was refused before the overseas student starts the course, a full refund of course fees already paid minus an administrative fee of 5% or \$500 (whichever is the lesser amount) will be provided to the student.
- if the visa was refused after the overseas student started the course, a refund of course fees already paid for the part of the course after the date of the student's withdrawal will be provided to the student.

Example 2: A refund because there is no written agreement in place, or the written agreement is non-compliant

- the refunded amount must equal the weekly tuition fee x the weeks in default period (*section 8 of the Education Services for Overseas Students (Calculation of Refund) Specification 2014*)

Example 3: A refund because APGS has defaulted and a student has not accepted any alternative course offered by APGS

- the refunded amount must be the weekly tuition fee x the weeks in default period (*section 7 of the Education Services for Overseas Students (Calculation of Refund) Specification 2014*).

*More examples of how to calculate refunds using the Education Services for Overseas Students (Calculation of Refund) Specification 2014 are available.

What payments will or won't be refunded?

Tuition fee refunds are based on the *Education Services for Overseas Students (Calculation of Refund) Specification 2014*. APGS may calculate refunds for other non-tuition fees such as application, administration or co-curricular fees differently and will consider administrative costs and un-spent fees in calculating refunds.

APGS will also consider refunding amounts paid for:

- unspent excursion fees,
- unspent co-curricular
- equipment hire or uniform fees etc.

APGS will not refund:

- application fees
- administration fees
- accommodation placement fees
- airport transfer costs etc.

How long does a refund take?

If the refund is because of APGS default the refund will be paid within 14 days of the default.

If the refund is because of student visa refusal, because a student has withdrawn from a course or because of another reason, refunds will be finalised within 28 days of the School receiving a completed application.

How do I get more information about refunds if I need it?

You should read your Overseas Student Enrolment Agreement carefully. It contains information about withdrawing from your course, the percentage of tuition fees that will be paid with certain notice periods.

If you need more details about refunds you can ask the Admissions Officer for a copy of the School's *Refund for Overseas Student Policy and Procedure*.