



International Students Policies

CRICOS 01095B

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Entry Requirements

1. *Mueller College* will consider enrolment applications from students wishing to apply for a Student Visa, subject to compliance with minimum requirements and conditions set by the College, and with legislative requirements of the State of Queensland and the Commonwealth of Australia, including any requirements to undertake extra tuition to learn English to meet the English language proficiency standard needed to enter mainstream classes.
2. Applications for enrolment must be made on Enrolment Application Form This must be correctly completed, and must be accompanied by the following documents to support the application:
 - a) Copies of Student Report Cards from the previous 2 years of study, including a copy of the latest Student Report;
 - b) A completed Reference Form from the student's current or most recent College Principal is also required if student Report Cards do not record student behaviour or commitment to studies;
 - c) A completed Subject Choices Form if appropriate;
 - d) Appropriate proof of identity and age;
 - e) Written evidence of proficiency in English as a second language
 - f) Photocopy or scanned copy of passport page with name, photo identification, passport number and expiry date
 - g) Letter of Offer from another registered provider if applicable
 - h) Enrolment Application Fee
 - i) Application to the Queensland Assessment and Curriculum Authority (QCAA) for relaxation of completed Core requirements if applicable.
3. Where the above documents are not in English, certified translations in English are required, with necessary costs to be met by the applicant.
4. An application for enrolment can only be processed when all of the above are in the hands of the Admissions Officer.
5. Applications from overseas students are processed according to established policy and procedures and are dealt with on their merits.
6. Assessment procedures include an evaluation of reports from previous Colleges and of English language proficiency. In cases where report cards are not available or are inconclusive for any reason, the College may require relevant testing of the applicant to assess the application.
7. Onshore applications for Years 11-12, where the student is transferring from another CRICOS registered provider, will only be considered where the transfer, if accepted,

allows the student to achieve a successful study outcome at the end of the enrolment.

8. Offshore applications for enrolment in Years 11-12 will not be considered after the Yr 11 course has commenced/ unless the student can complete course assessment before the end of the first semester of Year 11.

Mueller College requires evidence that the applicant’s academic ability and English proficiency is sufficient to successfully meet the entry and curriculum demands of the intended course. This is a requirement under the 2018 National Code of Practice, Part B Standard 2.

Minimum academic and English language requirements are as follows:

Academic Requirements

1. Students must provide evidence of satisfactory academic performance appropriate to entry to the Year level requested on the Application for Enrolment or offered as an alternative point of entry by the College in a Letter of Offer.
 - a) For Primary College:
 - i) Evidence of application to College work and age-appropriate achievement in literacy and numeracy areas of the curriculum
 - b) For Year 7 – 12 students:
 - i) A pass level or “C” Year Level or better for the majority of core subjects

English Language Proficiency Requirements

1. Applicants are assessed individually based on the contents of their report cards and personal references, and may also be required to undertake a language proficiency test set by the College.
2. If supplied, *Mueller College* will assess evidence of English language proficiency presented by a student at the time of application, but reserves the right to confirm the student’s English language proficiency through additional tests.
3. If not presenting appropriate evidence of English language proficiency at the time of application, *Mueller College* will assess the student’s application for entry based on satisfactory test results as follows:

Acceptable Test	Minimum Test Result	For Entry to
NLLIA (ESL) Bandscales	Bandscales Level 2 and 3 : Elementary ESL Proficiency	Year 10
NLLIA (ESL) Bandscales	Bandscales Level 4 and 5 : Intermediate ESL Proficiency	Year 11

NLLIA (ESL) Bandscales	Bandscales Level 6 : Advanced ESL Proficiency	Year 12
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4. Students should note that if their language proficiency is below that outlined above, they may be required to undertake an intensive English language course before beginning mainstream studies.
5. If undertaking an intensive English language course before beginning mainstream studies, English language proficiency will be reassessed at the conclusion of the language course to ensure the student's level of proficiency is sufficient to allow them to commence their mainstream course.

ESOS Framework

Australia welcomes international students

The Australian Government wants international students to have a rewarding and enjoyable experience when they come to Australia to study. Australia offers high quality education services and protects the rights of international students to ensure you make the most of your time here.

This fact sheet contains important information for student visa holders about living and studying in Australia, including your consumer rights and responsibilities as an international student and key things you should know before and during your study.

As a student on a student visa, you benefit from Australian laws that ensure high standards of education, facilities and support services while you are in Australia. You also have rights to information about your course and the education institution you wish to study with before and during your enrolment. The Education Services for Overseas Students (ESOS) framework offers you financial protection in case your education institution does not deliver what it has promised you.

You can find out more about the framework on the [DESE website](#).

Before you begin your studies

Choosing a course to study

As an international student, you can only study a course with an education institution listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). All institutions registered on CRICOS have met the quality standards set out in Australian law, which ensures you receive the best possible education services.

CRICOS is a good place to start when you want to find a course or education institution to study with and can be found at [CRICOS](#).

Using an education agent

International students do not have to use an education agent. You can enrol directly with an Australian education institution. Information about what education institutions offer is usually on their websites.

If you want to use an education agent, it's best to pick one used by the institution you want to study at. You can find a list of education agents on the institution's website.

The law requires institutions to use only education agents that act honestly and with integrity. Agents must give you accurate advice about the courses on offer, including entry requirements, and information about living in Australia. You should still be careful and alert

when dealing with agents to ensure you enrol in a course that is suitable for you and will help you achieve your learning goals.

In Australia, education agents cannot give you information on visa and immigration matters – only migration agents can do this. You can find out more about using migration agents at the Department of Home Affairs website at immi.homeaffairs.gov.au

If you think your education agent might be behaving dishonestly or unethically, you should stop using them immediately and contact your education institution directly.

Written agreements or contracts between the student and institution

Under Australian law an education institution must have a written agreement with you outlining the services they will provide, all the fees you are required to pay, and conditions for refunds of money you pay for the course.

The written agreement is a legal contract. You should read it carefully and make sure you fully understand what it says before signing it. You and your education institution must follow whatever is set out in the written agreement once you have accepted it, so you should keep a copy of it. Should you ever make a complaint about your institution, you will need to refer to your written agreement. You can find out more about making complaints on page 6 of this fact sheet, Making complaints and getting help.

Your rights before you enrol

Even before you enrol with an education institution, under Australian law you have the right to:

receive current and accurate information about the courses, entry requirements, all fees and modes of study from your institution and your institution's agent before you enrol sign a written agreement with your institution before or at the time you pay fees. You do not have to pay the institution any money or fees until you accept the agreement seek a refund in certain situations for course money you have paid. Information about refund arrangements must be included in your written agreement

get the education you paid for. The law includes tuition protections that will allow you to be placed in another course or receive a refund if your institution is unable to teach your course (known as a provider default), visit [TPS website](#) for more information access complaints and appeals processes

Your rights before you enrol

request to transfer to another institution and have that request assessed by your institution.

Paying your tuition fees

From 14 December 2015, changes to Australian law give international students more choice about how they pay their fees. Previously you could not pay more than 50 per cent of your fees before you started a course. Now you can choose to pay more than 50 per cent of your tuition fees before you start. For example, you or the person who is paying your fees may

decide this is a good idea if the Australian dollar exchange rates mean you will save money by paying more of your fees early.

Your education institution may ask you if you would like to pay more than 50 per cent of your fees before you start your course. This is your choice. Your institution cannot require you to pay more, unless you are doing a short course of 25 weeks or less. If your course is longer than 25 weeks, you cannot be asked to pay more than 50 per cent of your tuition fees before you start.

Your institution may wish to organise a payment plan so you can start regularly paying the rest of your tuition fees once you start the course. Your written agreement should include an itemised list of all the fees you will be charged for your course, including your tuition fees and how they will be paid, and refund arrangements.

What happens if you can't start the course because your visa is refused?

If you have paid fees to an education institution and your visa is refused, you are entitled to a refund. Under Australian law, the institution is allowed to keep either 5 per cent of the tuition fees you paid or \$500, whichever is the lowest amount, and must refund you the rest.

If your visa is refused after the course was due to start, the education institution can keep tuition fees for the number of weeks that have passed since commencement and must refund you the rest of the fees.

What happens if you decide you don't want to start or continue the course?

If you change your mind and do not want to start the course, you may be entitled to a refund.

If you have a written agreement with the institution, the amount of your refund will depend on the written agreement, which should tell you what will or will not be repaid to you. If you do not have a written agreement, you have the right to receive some of your fees back. Under Australian law, the institution is allowed to keep either 5 per cent of the fees you paid or \$500, whichever is the lowest amount, and must refund you the rest of the tuition fees you paid them.

During your studies

Support services for you in Australia

Under Australian law your education institution must offer you support services to help you adjust to study and life in Australia, achieve your learning goals and maintain satisfactory progress in your learning. This support is available because we recognise that Australia may be a new environment for students, with different laws, culture and customs. Your education institution must give you advice on:

- support and welfare services available at the institution - legal services

- emergency and health services
- facilities and resources
- complaints and appeals processes
- any student visa condition that related to the course you are studying
- services international students can access for information on their employment rights and conditions, and how to resolve workplace issues, such as through the Fair Work Ombudsman.

Many education institutions also offer career advice services. You should ask them whether they can help advise you on working and careers.

Welfare for students under 18 years of age

If you are under 18 years of age, you will only be granted a visa if there are adequate arrangements in place for your accommodation, support and general welfare. This is for your personal safety and applies for the length of your student visa or until you turn 18. If you are under the age of 18 your visa application must demonstrate that you will be accompanied by a parent, legal custodian or an eligible relative. If you will not be living with one of these people, your education institution can agree to be responsible for approving your accommodation, support and general welfare arrangements while you are in Australia on a student visa.

If your education institution has approved your living and general welfare arrangements, but you wish to change them, you must have the approval of your institution before you do so. This is because your institution must advise the Department of Home Affairs as soon as possible about changes to living and welfare arrangements for students under 18.

If you don't have your institution's approval, this may be reported to the Department of Immigration and Border Protection. If this happens, you will be in breach of student visa condition 8532 and your visa may be cancelled.

For more information about visa requirements for students under the age of 18, visit: [Welfare for under 18 students](#).

Your responsibilities as an international student in Australia

Your student visa

As an international student on a student visa, you must:

- comply with your student visa conditions
- ensure you have and continue to maintain your Overseas Student Health Cover (OSHC) for as long as you stay in Australia on a student visa
- tell your institution if you change your address or other contact details
- meet the terms of your written agreement with your education institution
- maintain satisfactory course progress and attendance.

Information about visa conditions for student visa holders is available on the Department of Home Affairs website [Department of Home Affairs](#) or call 131 881 on Monday – Friday from 8.30am to 4pm inside Australia (except public holidays).

Academic integrity and misconduct

The Australian Government and education institutions take issues of academic integrity very seriously. Education institutions have many ways of detecting cheating or plagiarism in exams and assessments.

Using ghost writing services, asking someone to take an exam in your place, or any other kind of academic misconduct will result in serious action being taken against you. Your enrolment or student visa could be affected, or cancelled altogether.

If you are struggling with your studies, it's best to ask your institution what support services they can offer you.

Your consumer rights and protections

Protecting your tuition fees

Australia is widely recognised as a world leader in protecting the tuition fees of international students through its Tuition Protection Service (TPS). The TPS assists international students whose education institutions are unable to fully deliver their course of study, and ensures that international students are able to either:

- complete their studies in another course or with another education institution, or
- receive a refund of their unspent tuition fees.

In the unlikely event your education institution is unable to deliver a course you have paid for, they have obligations to offer you an alternative course or, if you do not accept the alternative course, pay you a refund of your unspent prepaid tuition fees. If your institution is unable to meet these obligations for some reason, the TPS will assist you in finding an alternative course or getting a refund if a suitable alternative is not found.

For more information on the TPS, visit www.tps.gov.au. If you are a student whose provider is unable to fully deliver your course, you can call (02) 6271 3440 for assistance.

Working in Australia

Australian workplace laws provide basic protection and entitlements for all workers in Australia, including workers from overseas. International students have the same entitlements to minimum wages and conditions as Australian workers, as well as superannuation and workers' compensation under Australian workplace laws.

The minimum wages and conditions to which an employee is entitled are set out in awards (also known as modern awards). Awards apply to employees depending on the industry they work in or the job that they do. Awards don't apply when a business has an enterprise agreement or other registered agreement that covers the employee's working conditions.

For more information on awards and agreements, visit www.fairwork.gov.au

Australian laws also protect you from being discriminated against at work, for example because of your race, when you are applying for a job, about to begin a job, or any time during your employment. For more information about discrimination at work, visit www.fairwork.gov.au

The Fair Work Ombudsman (FWO) helps employers and employees to understand their rights and responsibilities at work. The FWO can also investigate suspected breaches of workplace laws. To find out what you should be paid and learn more about your minimum workplace entitlements you can visit www.fairwork.gov.au. You can also call 13 13 94 from 8am to 5.30pm Monday to Friday inside Australia (except public holidays). Getting help to resolve a workplace issue will not automatically affect your student visa.

You are limited to 40 hours of work per fortnight when your course is in session, and unlimited hours in out of session periods. This is to ensure you are mainly focused on your studies. Work conditions for student visa holders can be found on the Department of Home Affairs website at immi.homeaffairs.gov.au

Changing education institutions or courses

If you are not satisfied with the course, you are doing and wish to transfer to another education institution, before you make the decision to enrol with another institution you should be aware that there are rules about what you can or cannot do.

If you haven't completed six months of your principal course (the main course of study you are undertaking), Australian legislation says that you can only change institutions if:

- your original institution can no longer provide the course you enrolled in, or
- you have a letter from your original institution saying they will release you, or
- you have a government sponsor, and that sponsor writes a letter saying they support your change of course.

In other words, you will usually need your institution's permission if you want to transfer before you have completed six months of your principal course.

Your original institution can only provide a letter of release if:

- you have a letter from another institution saying they have made you an enrolment offer
- where you are under 18, you have the support of your parent or legal guardian, or the institution wishing to enrol you says they will take responsibility for your welfare.

You should read and understand your institution's transfer policy, as it should clearly state the reasons that you may or may not be granted a transfer. Your education institution must assess or consider your request to transfer against this policy.

If you are not satisfied with your institution's decision, you can appeal through their internal appeals and complaints handling process. If you are not satisfied with the outcome of that internal appeal process, your options are outlined in the section below, Making complaints and getting help.

If you are thinking about changing your course, you need to ensure that you continue to meet the conditions of your student visa. Further information about the impact of changing courses or education institutions is available on the Department of Home Affairs website at immi.homeaffairs.gov.au

For more details about the legislative requirements around transferring courses, you can visit: dese.gov.au

Making complaints and getting help

If you have a complaint about your institution, you should talk to them first. Your education institution must have complaints and appeals processes in place to help students resolve their issues.

If you cannot resolve your complaint with an institution, there are other actions you can take. You will need to find out whether your institution is a private or government type by searching them and looking at the Institution type field on the CRICOS website at cricos.education.gov.au

If your institution is a private (non-government) organisation, you can take your complaint to the Overseas Students Ombudsman (OSO). Refer to the Overseas Students Ombudsman website at www.ombudsman.gov.au for more information about how the OSO can help students, or call 1300 362 072.

If you are studying with a government education institution, which includes most universities and TAFEs, the external appeal body will most likely be the ombudsman for the state or Commonwealth. Your education institution can give you the best information about the appropriate external appeals process for their institution. You can find the contact details of all Australian ombudsmen at www.ombudsman.gov.au

Questions?

If you have any questions or concerns that haven't been answered in this fact sheet, you can submit an enquiry at www.dese.gov.au

Find out more and connect on social media

Study in Australia is the official Australian Government website for international students. You can connect Study in Australia via: [Website](#), [Facebook](#), [Twitter](#), [YouTube](#)

The Fair Work Ombudsman gives you information and advice about your workplace rights and obligations. You can connect with the Fair Work Ombudsman via: [Website](#), [Facebook](#), [Twitter](#), [YouTube](#). Subscribe to email updates at [Fair Work](#)

Overseas Student Health Policy

The Overseas Student Health Cover (OSHC) is required by Mueller College for all enrolled International Students.

Students must maintain current OSHC for the period covered by their visa.

The responsibility for seeking any refund from the medical insurance authority lies with the student.

For detailed information regarding Medibank Private's OSHC, including what can be claimed please access the following link: [Medibank](#)

Overview of Tuition Fees and Non-Tuition Fees

Mueller College collects fees in accordance with requirements under ESOS legislation.

This includes not receiving more than 50% of the student's total tuition fees for a course before the student has begun the course, unless the student or person responsible for paying tuition fees has chosen to pay more than this amount.

Mueller College refunds course fees in accordance with requirements under ESOS legislation.

Information on tuition and non-tuition fees payable and *Mueller College's* fees and refund policy is provided to students prior to enrolment and is part of the written agreement between the student and the College.

NOTE: In the event that the terms of this *Refund Policy for Student default* prove to be non-compliant with Australian law, a full refund of any unused tuition fees* received by the College with respect to the student will be made within the period of four weeks after the day of student default.

* Refund calculations are prescribed by a Legislative Instrument- Education Services for Overseas Students (Calculation of Refund) Specification 2014:

<http://www.comlaw.gov.au/Details/F2014L00907>

College Fees and Refund Policy are included in College documentation in

- a) Pre-enrolment information
- b) the College's Written Agreement
- c) College Website

Providing Information About Fees for a Course

The *PRISMS Administrator* is responsible for notifying the National ESOS Authority via PRISMS of the required information about the estimated totals of tuition fees and non-tuition fees payable by the student for the course. It is strongly recommended that this be done on at least a yearly basis, or whenever there a change to the fees applied to overseas students.

Fees on PRISMS are updated by completing a [CRICOS Course Amendment form](#), which is available from the State regulator's website. The form must be submitted it to internationalregistration@qed.qld.gov.au.

New course fees must be confirmed as being registered on PRISMS before they are applied to any new CoEs for overseas students.

In calculating and registering course costs on PRISMS, the College is not required to account for percentage increases that may apply over the duration of a registered course. Course costs need only be based on the fees that are applicable to the current year.

Provider Default:

1. Notification of Provider Default

The *PRISMS Administrator* is responsible for notifying the National ESOS Authority and the TPS Director via PRISMS within 3 business days of the provider default occurring as required under s46B(2) of the ESOS Act:

Requirements for a notice of provider default

For subsection 46B(2), the provider must enter, for each CoE, the information below into the specified fields in PRISMS:

- a) The date of the default
- b) The reason for the default
- c) The following contact details if known:
 - i. Physical address
 - ii. Email address
 - iii. Home phone number
 - iv. Mobile phone number

2. Payment of Refund

The *Accounts Manager* is responsible for administering refunds owing **within 14 days after the default day of provider default (the provider obligation period)**.

3. Notification of Outcome of Provider Default

The *PRISMS Administrator* is responsible for notifying the National ESOS Authority and the TPS Director via PRISMS **within 7 days after the end of the Provider Obligation Period** as required under s46F of the ESOS Act:

Requirements of a notice – Provider default – discharge of provider obligations

For section 46F, the provider must enter for each CoE, the information below into the specified fields in PRISMS:

- (a) If the provider has not met their obligations in accordance with section 46D, the reasons for this;
- (b) If the provider has met their obligations in accordance with section 46D, whether this was under subsections (4) and (5) *Arranging alternative courses* or under subsections (6) and (7) *Providing a refund*;
- (c) If their obligations were met by arranging alternative courses:
 - i. the date the provider met their obligations;
 - ii. the CoE code of the alternative course accepted by the student (if known); and
 - iii. confirmation that the provider has evidence of the student's acceptance of an offer of a place in an alternative course.
- (d) If their obligations were met by providing a refund:
 - i. the amount of the refund; and
 - ii. the date the refund was paid.

Student Default:

1. Giving Information about Accepted Students

The *PRISMS Administrator* is responsible for notifying National ESOS Authority via PRISMS within 14 days after the event specified below occurs if the student is less than 18 years old:

- I. the prescribed information about an accepted student who does not begin his or her course when expected;
- II. any termination of an accepted student's studies (whether as a result of action by the student or the provider or otherwise) before the student's course is completed

Otherwise this notice is required in PRISMS within 31 days.

For s19.1.c and f, see ESOS Regulations 2001, [Div. 3.1 Information and Records](#)

2. Payment of Refund

The *Accounts Manager* is responsible for administering refunds owing within the stated timeframes:

- I. within the provider obligation period of 4 weeks after receiving a written claim from the student for circumstances that are covered by the written agreement
- II. within the provider obligation period of 4 weeks after the student default day if the student is refused a visa or if the written agreement is not valid.

3. Notification of Outcome for Student Default

The PRISMS Administrator is responsible for notifying the National ESOS Authority and the TPS Director via PRISMS within 7 days after the end of the Provider Obligation Period as required under s47H of the ESOS Act:

Requirements of a notice - Student default in event of visa refusal or if there is no compliant written agreement in place - discharge of provider obligations

Under sections 47H and 47E, the provider must enter, for each CoE, the information below into the specified fields in PRISMS:

- a) If the provider has not met their obligation under the Act, the reasons for this;
- b) If the provider has met their obligations under s47 E
- c) If their obligations were met in accordance with a claim under s47D(4):
 - I. The amount of the refund
 - II. The date of the refund
 - III. Confirmation that the refund amount was calculated in accordance with the Legislative Instrument made under section 47E (4).

Because the TPS is designed to protect student tuition fees, there is an important distinction between ***tuition fees*** and ***non-tuition fees***.

Tuition fees are defined in the s.7 of the [ESOS Act 2000](#) as fees a provider receives, directly or indirectly, from: (i) an overseas student or intending overseas student; or (ii) another person who pays the fees on behalf of an overseas student or intending overseas student; that are directly related to the provision of a course that the provider is providing, or offering to provide, to the student...

s.7(2) [ESOS Regulations 2019](#) prescribes fees that are **included** as **tuition fees**. These are:

- a) lectures, tutorials, tutoring sessions, training, excursions, fieldwork, laboratories, or practical experience, that:
 - i. form part of a course that the provider is providing, or offering to provide, to the student (whether or not they are a mandatory part of the course); or
 - ii. are intended to assist the student to progress in such a course; or
- b) matters ancillary to the activities mentioned in paragraph (a).

s7(3) [ESOS Regulations 2019](#) prescribes fees that are **excluded** as **tuition fees**. These are considered to be **non-tuition fees**:

- a) books or equipment sold to the student; or
- b) health insurance; or
- c) administration; or
- d) accommodation (other than accommodation that the student occupies for a short time while undertaking training, excursions, fieldwork, or practical experience to which paragraph (2)(a) applies); or
- e) assisting the student to apply for or hold a student visa

The total amount of **tuition fees** for the entire course has to be included in Letters of Offer and when generating CoEs.

Written Agreements must

- i. itemise both **tuition fees** and **non-tuition fees**, circumstances in which additional fees may apply, and
- ii. clearly set out the period of time to which a particular payment of tuition fees relates (for refund calculation purposes), and
- iii. provide an **estimated total course cost**

There are limits on the amount of **tuition fees** that can be received before a student begins a course.

A College must not **require** more than 50% of a student's total tuition fees for a course before the student has begun the course. However, a student, or the person responsible for paying the tuition fees, can **choose** to pay more than 50% of tuition fees before the start of the student's course. In this case, the College should be able to provide evidence of choice in the amount of fees that have been paid up front. (See more information below.)

PRISMS requires reporting of amounts of **tuition fees** and **non-tuition fees** at various times:

- I. estimated totals of **tuition** and **non-tuition fees** for entire course are recorded against:
 - a. the registered course cost on PRISMS, and
 - b. the student's CoE (shown as 'Total Tuition Fee')

NB: this figure must match the course total/s quoted on the student's written agreement

- II. amount of pre-paid **tuition** and pre-paid **non-tuition fees** received before commencement is recorded against:
 - a. the student's CoE (shown as 'Initial pre-paid tuition fees' and 'Other pre-paid non-tuition fees')
- III. start and end dates for the period covered by **tuition fees** received are recorded against:
 - a. the student's CoE
- IV. whether OSHC has been paid for the student before the course begins is recorded against:
 - a. the student's CoE

Colleges must keep records of all amounts of fees received directly or indirectly for **tuition fees** and **non-tuition fees**, and details of the any periods of time covered, as well as of any amounts not received for any period of time. Receipts of payments made by students under a written agreement must be kept at least 2 years after the person ceases to be an accepted student.

Notes:

The "**Estimated Total Course Cost**" is the combination of estimated compulsory **tuition** and **non-tuition fees**. This appears under "Course Details" in the registered provider's information on PRISMS.

The estimated total course costs on the CoE (shown on the student's CoE as 'Total Tuition Fee') will be compared with a provider's fee information recorded in PRISMS, and providers will be in breach if amounts charged exceed amounts registered in PRISMS.

All student visa holders are required to have adequate health insurance while they are in Australia. This means that the insurance must commence from the date the student arrives in Australia on their student visa and must be in effect until the student leaves Australia or moves to a non-student visa subclass. If a student visa holder is in Australia and does not hold health insurance, they are in breach of visa condition 8501, even if their course has not yet started.

Refund Policy

A copy of this policy is provided to the student (or parent(s)/legal guardian if the student is under 18) at a reasonable time prior to a written agreement being signed as well as comprising part of student's written agreement.

1. This policy outlines refunds applicable to course fees paid to the College
2. Any service fees a student (or parent(s)/legal guardian if the student is under 18) pays directly to a third party are not within the scope of this refund policy.
3. The enrolment application fee is non-refundable.
4. Payment of Course Fees and Refunds
 - a. Fees are payable according to Mueller *College Fee Policy*
 - b. An itemised list of College fees is provided in the College's written agreement
 - c. All fees must be paid in Australian dollars unless requested otherwise. Refunds will be reimbursed in the same currency as fees were received.
 - d. Refunds will be paid to the person who enters into the written agreement unless the College receives written advice from the person who enters the written agreement to pay the refund to someone else.
5. All notification of withdrawal from a course, or applications for refunds, must be made in writing and submitted to *Accounts Manager*.
6. Student default because of visa refusal
 - a. If a student produces evidence of visa refusal (or provides permission for the College to verify visa refusal with the Department of Immigration) and fails to start a course on, or withdraws from the course on or before the agreed starting day, the College will refund within four weeks of receiving a written claim from the student the total amount of course fees received by the College before the student's default day
 - b. If a student whose visa has been refused withdraws from the course after it has commenced, the College will retain the amount of tuition fees proportionate to the amount of the course the student has undertaken and will refund of any unused tuition fees* received by the College with respect to the student within the period of four weeks after the day of student default.

**Calculation of the refund due in this case is prescribed by a legislative instrument (s.10 of Education Services for Overseas Students (Calculation of Refund) Specification 2014).*

7. Student default
Any amount owing under this section will be paid within 4 weeks of receiving a written claim from the student (or parent(s)/legal guardian if the student is under 18).
 - a. Non-tuition fees:

Non-tuition fees will be refunded on a pro rata basis proportional to the amount of time the student was studying in the course, except where a non-refundable payment on behalf of the student has been made.

b. Non-commencement with no notification of withdrawal:

If the student does not provide written notice of withdrawal, and does not start the course on the agreed starting date, a maximum of ten weeks tuition fees will be refunded from prepaid tuition fees.

c. Non-Commencement with notification of withdrawal:

- i. If the College receives written notification of withdrawal by the student (or parent(s)/legal guardian if the student is under 18) 4 or more weeks prior to commencement, the College will refund the amount of tuition fees received less an administration fee of \$500
- ii. If the College receives written notification of withdrawal by the student (or parent(s)/legal guardian if the student is under 18) less than 4 weeks prior to commencement of the course, the College will refund 75% of the tuition fee.

d. Refunds after commencement of a course:

- i. *If tuition fees for up to 1 study period have been received in advance:* Where the student (or parent(s)/legal guardian if the student is under 18) notifies the College in writing of withdrawal before completing the term/semester, no tuition fees will be refunded.
- ii. *If tuition fees for more than 1 study period have been received in advance:* If fees for more than one term/semester have been received in advance, and the College receives written notification of withdrawal by the student (or parent(s)/legal guardian if the student is under 18), the College will refund the amount of unused tuition fees less one term's fees, provided that at least 10 weeks written notice of withdrawal has been received.

NB: Where less than 10 weeks' notice of withdrawal is received, the College will refund the amount of unused tuition fees less two terms fees.

e. Refunds in the event of a provider-initiated cancellation of enrolment:

- i. No refund of tuition fees will be made where a student's enrolment is cancelled for any of the following reasons:
 - Failure to maintain satisfactory course progress (visa condition 8202). Please see Course Progress and Attendance Policy.
 - Failure to maintain satisfactory attendance (visa condition 8202). Please see Course Progress and Attendance Policy.
 - Failure to maintain approved welfare and accommodation arrangements (visa condition 8532). Please see student Accommodation and Welfare Policy
 - Failure to pay course fees.

- Any behaviour identified as resulting in enrolment cancellation in *Mueller College's* Behaviour Policy/Code of Conduct. Please see Mueller College Student Behaviour Policy
 - ii. Any refund in the case of cancellation of a student's enrolment for failure to maintain Mueller College's agreed conditions of enrolment as outlined in the student's written agreement, including failure to disclose required information at the point of application or a pre-existing condition requiring a high degree of specialised support or care, will be at the discretion of the College.
8. Provider default
- Any default by the College must be compliant with the current provisions of the ESOS Act 2000 and the ESOS regulations 2001 (as amended).
- a. If for any reason the College is unable to offer a course on an agreed starting day for the course, and the student for some reason cannot be placed or refuses placement in an alternative course arranged by the College, a full refund of any unused tuition fees* received by the College with respect to the student will be made within 14 days of the agreed course starting day.
 - b. If for any reason the College is unable to continue offering a course after the student commences a course, and the student for some reason cannot be placed or refuses placement in an alternative course arranged by the College, a full refund of any unused tuition fees* received by the College with respect to the student will be made within 14 days of the College's default day.
 - c. In the event that the College is unable to fulfil its obligations of providing an agreeable alternative course for the student, or a refund, the student will receive assistance from the Australian government's Tuition Protection Service. For information on the TPS, please see:
<https://tps.gov.au/StaticContent/Get/StudentInformation>.

**Calculation of the refund due in this case is prescribed by a legislative instrument (s.7 of Education Services for Overseas Students (Calculation of Refund) Specification 2014). <http://www.comlaw.gov.au/Details/F2014L00907>.*

9. This written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies.

Definitions

- a. **Non-tuition fees** – fees not directly related to provision of the student's course, including uniform costs, bus and travel costs and accommodation
- b. **Tuition fees** – fees directly related to the provision of the student's course, including tuition, provision of resources, levies and curriculum related excursions.

- c. **Course fees** – the sum of tuition fees and non-tuition fees received by the College in respect of the student in order for the student to undertake the course.
- d. **Term** – one of four divisions of an academic year
- e. **Semester** – one of two divisions of an academic year

If the student changes visa status (e.g. becomes a temporary or permanent resident) he/she will continue to pay full overseas student's fees for the duration of that year.

College Deferment, Suspension and Cancellation policy

Communicating with families about changes in enrolment status

- a) All communications regarding changes to enrolment status will be made directly with students and parents, in accordance with the latest contact details provided to the College.
- b) Parents must therefore keep *Mueller College* informed of their current contact details, as per the conditions of the student visa.
- c) Where relevant and where approved by the parents, the College may also share copies of correspondence with the child's education agent to help facilitate communication about any changes in enrolment status. However, the parents with whom the College has a formal written agreement are the primary contact for the College in such matters. The College will not act on any decision affecting the student's enrolment that is not made by the parents.

STUDENT-INITIATED CHANGES IN ENROLMENT

1. Deferment of commencement of study requested by student

- a. *Mueller College* will only grant a deferment of commencement of studies for compassionate and compelling circumstances. These include but are not limited to:
 - i. illness, where a medical certificate states that the student will be unable to attend classes
 - ii. bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
 - iii. major political upheaval or natural disaster in the home country that has impacted on expected commencement of studies
 - iv. a traumatic experience which has impacted on the student (where possible, these cases should be supported by police or psychologists' reports).
 - v. after undertaking ELICOS studies, the student has not/will not meet the English language benchmark required for entry into the desired course, and the College is willing to defer the student's commencement in the course until a later date when the required benchmark is achieved.
- b. All applications for deferment will be considered within 10 working days.

- c. The final decision for assessing and granting a deferment of commencement of studies lies with the Head of College. Where a student's request to defer his/her commencement of studies is refused, the student has a right of appeal. Please see Complaints and Appeals policy.
- d. Deferment will be recorded on PRISMS within 14 days of being granted.

2. Suspension of study requested by student

- a. Once the student has commenced the course, *Mueller College* will only grant a suspension of study for compassionate and compelling circumstances. These include but are not limited to:
 - i. illness, where a medical certificate states that the student was unable to attend classes bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
 - ii. major political upheaval or natural disaster in the home country requiring emergency travel that has/will impact on studies
 - iii. a traumatic experience which has impacted on the student (where possible, these cases should be supported by police or psychologists' reports).
 - iv. Student return to their home country to sit a university exam (or similar assessment) which impacts upon their education
- b. Where there is a significant issue impacting upon a student's attendance or course progress, it is essential that the student or parents contact the College as soon as possible to discuss the concern so that appropriate support can be put in place. Where deemed necessary, this may involve temporarily suspending the student's enrolment so that matters can be resolved without having a negative impact on the student's ability to satisfy their visa conditions.
- c. Temporary suspensions of study cannot exceed 6 months duration.
- d. Suspensions will be recorded on PRISMS within 14 days of being granted if the student is under 18 years of age, and within 31 days if the student is over 18 years of age.
- e. The period of suspension will not be included in attendance calculations.
- f. Applications will be assessed on merit by Head of College
- g. Some examples of circumstances that are not considered compassionate and compelling at *Mueller College* include:
 - i. Requests for early departure or late return from vacation, including inability to secure cheap flights

- ii. Leaving early or returning late from holidays in order to attend festivals in the student's home country
 - iii. Returning home to attend family gatherings that occur during term time.
- h. As part of any assessment of a request to defer or temporarily suspend studies, the impact of the request on the student's ability to complete their intended course of study in accordance with their CoE/s and student visa will be considered. Any implications will be communicated to students.
 - i. All applications for suspension will be considered within 10 working days.
 - j. The final decision for assessing and granting a suspension of studies lies with the Head of College. Where a student's request to suspend studies is refused, the student has a right of appeal. Please see Complaints and Appeals policy.

3. Student-initiated cancellation of enrolment

- a. All notification of withdrawal from a course, or applications for refunds, must be made in writing and submitted to Paul Valse. Please see *Mueller College's Refund Policy [if applicable]* and *Cancellation Policy* for information regarding refunds and *[if applicable]* cancellation fees].
- b. A student will be deemed to have inactively notified *Mueller College* of cancellation of enrolment where:
 - i. the student has not yet finished his/her course/s of study with the College, and
 - ii. does not resume studies at the College within [14 days] after a holiday break, and
 - iii. the student has not previously provided the College with written notification of withdrawal.
- c. Student-initiated cancellation of enrolment, including "inactive" cancellation of enrolment in 4.b), above, is not subject to *Mueller College's* Complaints and Appeals Policy.

COLLEGE INITIATED CHANGES IN ENROLMENT

4. College-initiated exclusion from class

- a. *Mueller College* may exclude a student from class studies on the grounds of misbehaviour by the student. Exclusion will occur as the result of any behaviour identified as resulting in exclusion in *Mueller College's* Behaviour Policy/Code of Conduct.
- b. Students may also be excluded from class for failure to pay fees that he/she was required to pay in order to undertake or continue the course, as stated

in the written agreement.

- c. Where *Mueller College* intends to exclude a student from class it will first issue a letter which notifies the student and parents of this intention. The letter will provide details of the reason/s for the intended exclusion, as well as information about how to access *Mueller College* 's internal appeals process. Further information about the appeals process in the event of a College-initiated exclusion from class is outlined below.
- d. Excluded students must abide by the conditions of their exclusion from studies and must adhere to any welfare and accommodation arrangements in place, as determined by the Head of College.
- e. Where the student is provided with homework or other studies for the period of the exclusion, the student must continue to meet the academic requirements of the course.
- f. Exclusions from class will not be included in attendance calculations for the study period and will not be recorded on PRISMS.

5. College-initiated suspension of studies

- a. *Mueller College* may initiate a suspension of studies for a student on the grounds of misbehaviour by the student. Suspension will occur as the result of any behaviour identified as resulting in suspension in *Mueller College*'s Behaviour Policy/Code of Conduct.
- b. Students may also be suspended for failure to pay fees that he/she was required to pay in order to undertake or continue the course, as stated in the student's written agreement.
- c. Where *Mueller College* intends to suspend the enrolment of a student, it will first issue a letter that notifies the student and parents of this intention. The letter will provide details of the reason/s for the intended suspension, as well as information about how to access *Mueller College*'s internal appeals process. Further information about the appeals process in the event of a College-initiated suspension is outlined below.
- d. Suspended students must abide by the conditions of their suspension from studies and must adhere to any welfare and accommodation arrangements in place, as determined by the Head of College.
- e. Students who have been suspended for more than 28 days may need to contact Department of Immigration. (Please see contact details at: <https://immi.homeaffairs.gov.au/help-support/contact-us.>)

- f. Suspensions will be recorded on PRISMS.
- g. The period of suspension will not be included in attendance calculations.

6. College-initiated cancellation of enrolment (CoE will be impacted)

- a. *Mueller College* will cancel the enrolment of a student under the following conditions:
 - i. Any breach of an agreed condition of enrolment as outlined in the student's written agreement, including failure to disclose information required by the school at the point of application or a pre-existing condition requiring a high degree of specialised support or care
 - ii. Failure to pay course fees
 - iii. Failure to maintain approved welfare and accommodation arrangements (visa condition 8532) [Alternatively Colleges may decide that they will not cancel enrolment for this reason]
 - iv. Any behaviour identified as resulting in cancellation in Mueller College's Behaviour Policy/Code of Conduct
- b. Where *Mueller College* intends to cancel the enrolment of a student it will first issue a letter which notifies the student and parents of this intention. The letter will also provide details of the reason/s for the intended cancellation, as well as information about how to access *Mueller College's* internal appeals process. Further information about the appeals process in the event of a College-initiated cancellation is outlined below.
- c. *Mueller College* is required to report any confirmed breach of course progress and attendance requirements to the Department of Immigration. Where a student is reported for breach of visa condition, his/her enrolment at *Mueller College* will be cancelled and this may impact on the student's visa. Further information can be found in *Mueller College's* Course Progress and Attendance Policy.
- d. For the duration of the internal appeals process, *Mueller College* will maintain the student's enrolment and the student will attend classes as normal. The Head of College will determine if participation in studies will be in class or under a supervised arrangement outside of classes.
- e. If a student decides to access *Mueller College's* complaints and appeals process because they have been notified of a College initiated suspension or cancellation of enrolment under Standard 9, the change in enrolment status will not be reported in PRISMS until the internal complaints and appeals

process is finalised, unless extenuating circumstances relating to the welfare of the student apply (see Definitions below).

- f. Where extenuating circumstances are deemed to exist, a student may still access the complaints and appeals process, but *Mueller College* need not await the outcome of this process before changing the student's enrolment status in PRISMS. If the College has issued a CAAW for such a student, welfare provisions under Standard 5.6 are applicable.
- g. The use of extenuating circumstances by *Mueller College* to suspend or cancel a student's enrolment prior to the completion of any complaints and appeals process will be supported by appropriate evidence.
- h. The final decision for evaluating extenuating circumstances lies with the PEO.

7. Student to seek information from Department of Immigration

- a. Deferment, suspension and cancellation of enrolment can have an effect on a student's visa as a result of changes to enrolment status. Students can visit the Department of Home Affairs (immigration) Website <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500> for further information about their visa conditions and obligations.

8. Definitions

- a. Day – any day including weekends and public holidays in or out of term time
- b. Extenuating circumstances - if the student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

Examples include:

- i. the student refuses to maintain approved welfare and accommodation arrangements (for students under 18 years of age)
- ii. the student is missing
- iii. the student has medical concerns or severe depression or psychological issues which lead the College to fear for the student's wellbeing
- iv. the student has engaged or threatened to engage in behaviour that is reasonably believed to endanger the student or others
- v. is at risk of committing a criminal offence, or
- vi. the student is the subject of investigation relating to criminal matters.

Overseas Student Transfer Policy

Mueller College's Overseas student transfer policy and processes apply to:

- overseas students requesting to transfer prior to completing the first six months of their first registered College sector course or
- where the student has completed the first six months of their enrolment in their first registered College sector course and wishes to transfer but the provider holds welfare responsibility via a CAAW.

Overseas students requesting to transfer prior to completing the first six months of their first registered College sector course:

1. Overseas students are restricted from transferring from their first registered College sector course of study for a period of six months. This restriction also applies to any course(s) packaged with their first registered College sector course of study. Exceptions to this restriction are:
 - a) If the student's course or College becomes unregistered
 - b) The College has a government sanction imposed on its registration
 - c) A government sponsor (if applicable) considers a transfer to be in the student's best interests
 - d) If the student is granted a release in PRISMS.
2. Students can apply to be released by submitting a Student Transfer Request Application at no charge to enable them to transfer to another education provider. However, if a student has not completed the first six months of the first registered College sector course of study or is under 18 years of age, conditions apply.
3. *Mueller College* will only release a student before completing the first six months of their first registered College sector course in the following circumstances:
 - a) The student has changed welfare and accommodation arrangements and is no longer within a reasonable travelling time of the College
 - b) The student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with *Mueller College's* intervention strategy to assist them in accordance with Standard 8 (Overseas student visa requirements).
 - c) The student provides evidence of compassionate or compelling circumstances.
 - d) *Mueller College* fails to deliver the course as outlined in the written agreement.
 - e) The student provides evidence that their reasonable expectations about their current course are not being met.
 - f) The student provides evidence that he / she was misled by *Mueller College* or an education or migration agent regarding *Mueller College* or its course and the course is therefore unsuitable to his/her needs and/or study objectives.

- g) An appeal (internal or external) on another matter results in a decision or recommendation to release the student.
 - h) Any other reason stated in the policies of *Mueller College*.
4. Students under 18 years of age MUST also have:
- a) Written evidence that the student's parent(s)/legal guardian supports the transfer application
 - b) Written confirmation that the receiving provider will accept responsibility for and communicate with the student about approving the student's accommodation, support, and general welfare arrangements from the proposed date of release where the student is not living with a parent / legal guardian or a suitable nominated relative
5. Mueller College will NOT agree to the transfer before the student completes the first six months of their first registered College sector course in the following circumstances:
- a) The student's progress is likely to be academically disadvantaged
 - b) *Mueller College* is concerned that the student's application to transfer is a consequence of the adverse influence of another party
 - c) The student has not had sufficient time to settle into a new environment in order to make an informed decision about transfer
 - d) The student has not accessed College support services which may assist with making adjustments to a new environment, including academic and personal counselling services
 - e) College fees have not been paid for the current term/semester.
6. To apply for transfer to another provider, students need to:
- a) Complete an Application for Student Transfer Form available from International Student Officer.
 - b) Give this completed application form and a valid offer of enrolment from another provider to International Student Office for assessment.
 - c) If under 18 years of age, attach written confirmation of the parent/s or legal guardian/s support for the transfer to the nominated provider. In this case, the valid offer of enrolment must also confirm the new provider's acceptance of responsibility for approving the student's accommodation, support and general welfare arrangements from the proposed date of the student's release from *Mueller College*, in accordance with Standard 5 (Younger overseas students) of the 2018 National Code of Practice for Providers of Education and Training for Overseas Students.
7. *Mueller College* will assess the student's transfer request application and notify the student of a decision within 10 working days.
8. If *Mueller College* grants the student's transfer request, the student will be notified and the decision will be reported to the Department of Immigration via PRISMS.

9. If *Mueller College* intends to refuse the student's transfer application request, *Mueller College* will provide the student with reasons for refusal in writing and include a copy of *Mueller College*'s complaints and appeals policy (available at: *Mueller College* Website). The student has the right to access *Mueller College*'s complaints and appeals process and has 20 working days to do this. The student's transfer request application will only be finalised in PRISMS after one of the following occurs:
 - a) the student confirms in writing they choose not to access *Mueller College*'s complaints and appeals process, or
 - b) the student confirms in writing they withdraw from any appeals process they have commenced, or
 - c) the appeals process is completed and a decision has been made in favour of the student or *Mueller College*.
10. Applications to transfer to another registered provider may have visa implications. The student is advised to contact the Department of Home Affairs (Immigration) office as soon as possible to discuss any implications: <https://immi.homeaffairs.gov.au/help-support/contact-us>.

Student who are no longer subject to the transfer restriction but Mueller College where holds welfare responsibility via a CAAW.

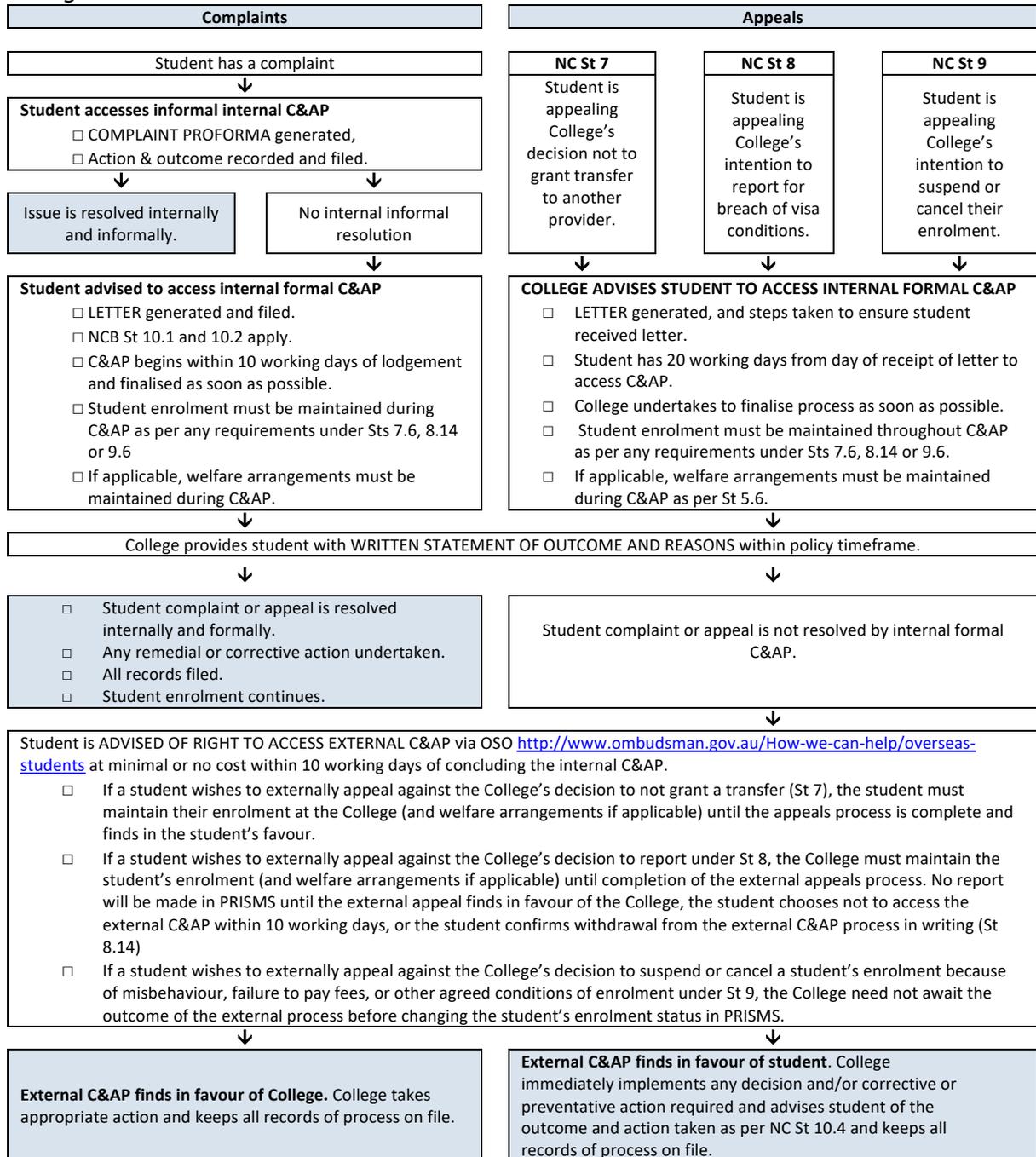
11. Students under 18 years of age MUST have:
 - a) Written evidence that the student's parent(s)/legal guardian supports the transfer application
 - b) Written confirmation that the receiving provider will accept responsibility for and communicate with the student about approving the student's accommodation, support, and general welfare arrangements from the proposed date of release where the student is not living with a parent / legal guardian or a suitable nominated relative
12. To apply for transfer to another provider, students need to:
 - a) Complete an Application for Student Transfer Form available from International Student Officer.
 - b) Give this completed application form and a valid offer of enrolment from another provider to International Student Officer for assessment and response within 10 working days.
 - c) If under 18 years of age, attach written confirmation of support for the transfer to the nominated provider by a parent/s or legal guardian/s.

In this case, the valid offer of enrolment must confirm acceptance of responsibility for approving the student's accommodation, support and general welfare arrangements from the proposed date of the student's release from *Mueller College* in accordance with Standard 5 (Younger overseas students) of the 2018 National Code of Practice for Providers of Education and Training for Overseas Students.

13. Transfers to another registered provider may have visa implications. The student is advised to contact the Department of Home Affairs (Immigration) office as soon as possible to discuss any implications: <https://immi.homeaffairs.gov.au/help-support/contact-us>.

Diagrammatic Overview of Complaints and Appeals Processes

This diagram should be checked and updated whenever there is a change in regulations about NC Standards 10 or related Standards or when existing policies need to be adapted or strengthened.



Complaints and Appeals Policy

A copy of this policy will be provided to the student (or parent(s)/legal guardian if the student is under 18) at a reasonable time prior to a written agreement being signed, and again during orientation or within 7 days of the commencement of student attendance of the enrolled course.

1. Purpose
 - a) The purpose of *Mueller College's* Complaints and Appeals Policy is to provide a student or parent(s)/legal guardian with the opportunity to access procedures to facilitate the resolution of a dispute or complaint involving *Mueller College*, or an education agent or third party engaged by *Mueller College* to deliver a service on behalf of *Mueller College*.
2. Complaints against other students
 - a) Grievances brought by a student against another student will be dealt with under the College's Behavior Policy/Code of Conduct.
3. Informal Complaints Resolution
 - a) In the first instance, *Mueller College* requests there is an attempt to informally resolve the issue through mediation/informal resolution of the complaint.
 - b) Students should contact a teacher in the first instance to attempt mediation/informal resolution of the complaint.
 - c) If the matter cannot be resolved through mediation, the matter will be referred to the Head of College and *Mueller College's* internal formal complaints and appeals handling procedure will be followed
4. Formal Internal Complaints Handling and Appeals Process
 - a) The process of this grievance procedure is confidential, and any complaints or appeals are a matter between the parties concerned and those directly involved in the complaints handling process.
 - b) The student must notify the College in writing of the nature and details of the complaint or appeal.
 - c) Written complaints or appeals are to be lodged with the Head of College.
 - d) Where the internal complaints and appeals process is being accessed because the student has received notice by the College that the College intends to report him/her for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student has 20 working days from the date of receipt of notification in which to lodge a written appeal.
 - e) Complaints and appeals processes are available to students at no cost.
 - f) Each complainant has the opportunity to present his/her case to the Head of College.
 - g) Students and / or the College may be accompanied and assisted by a support person at all relevant meetings.

- h) The formal internal complaints and appeals process will commence within 10 working days of lodgement of the complaint or appeal with the Head of College and will be finalised as soon as practicable.
- i) For the duration of the internal complaints and appeals process the student's enrolment will be maintained, as required under the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* and the student must continue to attend classes.

However, if the Head of College deems that the student's health or well-being, or the well-being of others is at risk he/she may decide to suspend or cancel the student's enrolment before the complaints and appeals process has been accessed or fully completed. In such cases, the student may still lodge a complaint or appeal, even if the student is offshore.

- a) Once the Head of College has come to a decision regarding the complaint or appeal, the student will be informed in writing of the outcome and the reasons for the outcome, and a copy will be retained on the student's file.
- b) If the complaints and appeals procedure finds in favour of the student, *Mueller College* will immediately implement the decision and any corrective and preventative action required, and advise the student of the outcome and action taken.
- c) Where the outcome of a complaint or appeal is not in the student's favour, the College will advise the student within 10 working days of concluding the internal review of the student's right to access the external appeals process.

However, the College is only obliged to await the outcome of an external appeal if the matter relates to a breach of course progress or attendance requirements. For all other issues, the College may take action (including making changes to the student's enrolment status in PRISMS) in accordance with the outcome of the internal appeal.

2. External Appeals Processes

- a) If the student is dissatisfied with the conduct or result of the internal complaints and appeals procedure, he/she may contact and / or seek redress through the Overseas Students Ombudsman at no cost. Please see: <http://www.ombudsman.gov.au/How-we-can-help/overseas-students> or phone 1300 362 072 for more information.
- b) If the student wishes to appeal a decision made by *Mueller College* that relates to being reported for a breach of course progress or attendance requirement (under Standard 8), the student must lodge this appeal with the Overseas Student Ombudsman's office within 10 working days of being notified of the outcome of his/her internal appeal.
- c) If the student wishes to appeal a decision made by *Mueller College* that relates to:
 - i) refusal to approve a transfer application (under Standard 7), or

- ii) suspension or cancellation of the student's enrolment (under Standard 9)

any choice to lodge an external appeal with the Overseas Student Ombudsman is at the student's discretion. The College need not await the outcome of any external appeal lodged, before implementing the outcome of the internal appeal.

3. Other legal redress

- a) Nothing in the College's Complaints and Appeals Policy negates the right of an overseas student to pursue other legal remedies.

4. Definitions

- a) Working Day – *any day other than a Saturday, Sunday or public holiday during term time*
- b) Student – *a student enrolled at Mueller College or the parent(s)/legal guardian of a student where that student is under 18 years of age*
- c) Support person – *for example, a friend/teacher/relative not involved in the grievance.*

Student Accommodation and Welfare Policy

Care for younger students under 18 years

Mueller College is a CRICOS-registered provider which enrolls younger students under 18 years of age.

As part of its registration obligations Mueller College must satisfy Commonwealth and state legislation, as well as any other regulatory requirements, relating to child welfare and protection for any overseas student enrolled who is under 18 years of age.

These obligations include ensuring that all overseas students under 18 years of age are given age- and culturally-appropriate information on:

- who to contact in emergency situations, including contact number/s of a nominated staff member, and
- how to seek assistance and report any incident or allegation involving actual or alleged sexual, physical or other abuse.

Mueller College has documented procedures relating to child welfare and safety and will implement these procedures in the event that there are any concerns for the welfare of a student under 18 years of age.

Accommodation and care options for overseas students under 18 years

Mueller College approves the following accommodation and care options for overseas students:

The student will live with a parent or relative approved by the Department of Immigration.

In this case:

- i. The College does **not** provide a welfare letter (CAAW) via PRISMS. The student's family completes Form 157N and provides proof of relationship to Department of Immigration at the time of visa application for approval of these arrangements. The Department of Immigration must also approve any further change of welfare arrangements.
- ii. If the adult responsible for the welfare, accommodation and other support arrangements for a student under 18 years holds a [Student guardian Visa \(subclass 590\)](#), all obligations and conditions of this visa must be met, including:
 - a) not leaving Australia without the nominating student unless there are compassionate and compelling circumstances and the College has first approved alternative welfare and accommodation arrangements for the student for the adult's period of absence, and
 - b) advising the Department of Immigration of any change of address, passport or other changes of circumstances.

Mueller College requires holders of Student Guardian Visas to:

- i. maintain Overseas Visitor Health Cover for themselves and any dependent children living with them in Australia
- ii. immediately advise the College of any change to address or contact details
- iii. immediately advise the College if there are any compassionate or compelling reasons to travel overseas or not be at home for an extended period of time to care for the student.

If there is a valid reason for travelling overseas, and the College is able to approve alternative accommodation and care arrangements for the student for the period of student guardian visa holder's absence, the College will provide documentation approving temporary care arrangements for the student to the student's guardian and for the Department of Immigration via PRISMS.

If there is not a valid reason for travelling overseas, or if the College is not able to approve alternative accommodation and care arrangements for the student for the period of student guardian visa holder's absence, the student will need to travel overseas with the holder of the student guardian visa. In this case, the College will advise if compulsory attendance requirements will or will not be affected by the student's absence.

2) Accommodation options for students 18 years and older include:

- i. Private accommodation arrangements

3) For College vacation periods, the following accommodation options are available to students 18 years or older:

- i. Student returns home to parents
- ii. Student continues to live in / is placed in Homestay, details of which are recoded by the College
- iii. Student may spend vacation with friend's family or relatives, provided details are given
- iv. Student may attend a supervised excursion, camp, etc., provided details are given

Education Agents

Education agents are not engaged to formally represent *Mueller College*.

Mueller College responds to all enrolment enquiries and to applications for enrolment according to established procedures.

Individuals making enrolment enquiries or assisting in any way with enrolment applications are not remunerated for doing so.

If the College policy with regard to use of education agents changes in the future, the College is aware of its obligations under Standard 4 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, and will at that time implement appropriate policies, procedures and agreements as required under the National Code.

This policy should be checked and updated whenever there is a change in regulations about NC Standard 4 or in Department of Immigration regulations about activities of education agents, or when existing College policies regarding education agents need to be adapted or strengthened.

Critical Incident Policy

- 1) *Mueller College* recognises the duty of care owed to its students and that planning for the management of a critical incident is essential.

- 2) A critical incident is a traumatic event, or the threat of such (within or outside Australia) which causes extreme stress, fear or injury that may affect the student's ability to undertake or complete their course. This may include but is not limited to:
 - a) Serious injury, illness or death of a student or staff
 - b) Students or staff lost or injured on an excursion
 - c) A missing student
 - d) Severe verbal or psychological aggression
 - e) Physical assault
 - f) Student or staff witnessing a serious accident or incident of violence
 - g) Natural disaster e.g. earthquake, flood, windstorm, hailstorm or extremes of temperature
 - h) Fire, bomb threat, explosion, gas or chemical hazard
 - i) Social issues e.g. drug use, sexual assault

- 3) **Critical Incident Committee**
 - a) *Mueller College* has a Critical Incident Committee to assist the principal in the prevention and management of critical incidents at the College, or off campus in the case of an overseas student for whom the College has undertaken care responsibilities.

 - b) *Mr Paul Valse* is the critical incident team leader.

 - c) The Critical Incident Committee also includes:
 - i) The Head of College, Deputy Head
 - ii) Head of Sub Schools
 - iii) WHSO

 - d) The responsibilities of the committee include:
 - i) risk assessment of hazards and situations which may require emergency action

- ii) analysis of requirements to address these hazards
- iii) establishment of liaison with all relevant emergency services e.g. police, fire brigade, ambulance, hospital, poisons information centre, community health services
- iv) 24 hour access to contact details for all students and their families and emergency contacts provided by the student's family (for Colleges with overseas students this will also include agents, homestay families, carers, consular staff, embassies and interpreting services if necessary)
- v) 24 hour access to contact details for all relevant staff members needed in the event of a critical incident e.g. College counsellor, welfare officer, legal services, College security
- vi) development of a critical incident plan for each critical incident identified, including arranging emergency or alternative accommodation arrangements if necessary
- vii) dissemination of planned procedures
- viii) organisation of practice drills
- ix) regular review of the critical incident plan
- x) assisting with implementation of the critical incident plan
- xi) arranging appropriate staff development
- xii) budget allocation for emergencies
- xiii) ensuring written records of any critical incident and remedial action taken by *Mueller College* are kept on file for at least two years after the student ceases to be enrolled.

4) Critical Incident Plans

- a) All critical incident plans assign responsibilities among relevant staff members; cover all the actions to be taken and timelines for doing so.
- b) Immediate Action (within 24 hours)
 - i) Identify the nature of the critical incident
 - ii) Notification of the critical incident committee/team leader
 - iii) Implement the appropriate management plan or action strategy, including arranging emergency or alternative accommodation arrangements if necessary
 - iv) Assignment of duties and resources to College staff
 - v) Seeking advice and help from any necessary emergency services/hospital/medical services
 - vi) Dissemination of information to parents and family members

- vii) Completion of a critical incident report
 - viii) Media response if required (see below)
 - ix) Assess the need for support and counselling for those directly and indirectly involved
- c) Additional Action (48 – 72 hours)
- i) Assess the need for support and counselling for those directly and indirectly involved (ongoing)
 - ii) Provide staff and students, parents / family members with factual information as appropriate
 - iii) Restore normal functioning and College delivery
- d) Follow-up – monitoring, support, evaluation
- i) Identification of any other people who may be affected by critical incident and access of support services for affected community members
 - ii) Maintain contact with any injured/affected parties
 - iii) Provision of accurate information to staff and students where appropriate
 - iv) Evaluation of critical incident management
 - v) Be aware of any possible longer term disturbances e.g. inquests, legal proceedings

5) Resources

- a) The nature of critical incidents is such that resources cannot always be provided in anticipation of events. The critical incident committee uses its discretion to provide adequate resources – both physical and personnel – to meet the needs of specific situations. Staff will be reimbursed for any out-of-pocket expenses.

6) Managing the Media

- a) Manage access of the media to the scene, and to staff, students and relatives
- b) The principal should normally handle all initial media calls
- c) Determine what the official College response will be
- d) All facts should be checked before speaking to the media
- e) If accurate information is unavailable or the issue is of a sensitive nature, explain that questions cannot be answered at this time
- f) Avoid implying blame or fault for any part of the incident as this can have significant legal implications

- g) The principal may delegate media liaison to another member of staff

7) Evaluation and review of management plan

- a) After every critical incident, a meeting of the critical incident committee will be held to evaluate the critical incident report and the effectiveness of the management plan and to make modifications if required. If appropriate this process will incorporate feedback from all staff, students and local community representatives.

Example of a critical incident plan - injury to overseas student

1) Immediate Action (within 24 hours)

- a) *Identify the nature of the critical incident*
- b) *The person, who is initially notified of the incident, be that the College secretary or homestay co-ordinator or international student co-ordinator, should get as much information as possible regarding the nature of the critical incident.*
 - i) *Where did the injury occur? On campus or off?*
 - ii) *How severe is the nature of the injury?*
 - iii) *Where is the student now?*
 - iv) *Is the student in hospital?*
 - v) *Has an ambulance been called?*
 - vi) *Is an interpreter required?*
- c) *The information should be documented for further reference.*
- d) *Notification of the critical incident committee/team leader*
- e) *The person who is initially notified of the incident should notify the critical incident team leader immediately.*
- f) *Assignment of duties to College staff*
 - i) *The critical incident team leader will identify the staff member responsible for any immediate action.*

- ii) *The incident will then be referred to the identified staff member.*
 - iii) *The responsible staff member should keep in close contact with the critical incident team leader and any other staff members as required.*
- g) *Implement the appropriate management plan or action strategy*
- i) *If the student is on campus*
 - *Ensure appropriate intervention to minimise additional injury*
 - *Provide first aid where necessary*
 - *Ascertain seriousness of injury*
 - *Call ambulance if required*
 - *If ambulance is required, accompany student to hospital*
 - *Ascertain seriousness of injury from hospital staff*
 - *If ambulance is not required accompany student to relevant medical service e.g. doctor*
 - ii) *If the student is off-campus*
 - *If situation appears serious, call an ambulance and either meet the ambulance at the student's location or at the hospital*
 - *Otherwise go to location of student*
 - *Provide first aid where necessary*
 - *Ascertain seriousness of injury*
 - *Call ambulance if required*
 - *If ambulance is required, accompany student to hospital*
 - *Ascertain seriousness of injury from hospital staff*
 - *If ambulance is not required accompany student to relevant medical service e.g. doctor*
 - iii) *If the student has already been taken to hospital*
 - *Go to hospital*
 - *Ascertain seriousness of injury from hospital staff*
- h) *Dissemination of information to parents and family members*
- i) *When there are a number of people to contact such as when a student is in a homestay, the College should attempt to simultaneously contact all parties.*

- ii) *Contact the parents/legal guardian of the student*
 - iii) *Contact the carer of the student e.g. they may be living with a relative*
 - iv) *Contact any emergency contacts provided by the student's family*
 - v) *Contact the homestay family of the student*
-
- i) *Completion of a critical incident report [see sample critical incident report]*

 - j) *Media response if required*
 - k) *Inform critical team leader of any relevant factual information to be conveyed to the media liaison.*

 - l) *Assess the need for support and counselling for those directly and indirectly involved*

 - m) *If the student is seriously injured or requires hospitalisation, the College should enlist aid of overseas consular staff to assist the family if they are travelling to Australia, with interpreting services to aid in communication with the relevant medical services and with counselling services if required.*

 - n) *The College should assess whether other staff and students have been affected by the incident and provide support and counselling as required.*

 - o) *The College should also contact Department of Immigration and inform them of the incident.*

2) Additional Action (48 – 72 hours)

- a) *Assess the need for support and counselling for those directly and indirectly involved (ongoing)*

- b) *Provide staff and students with factual information as appropriate*
 - i) *Depending on the nature of the incident, it may be appropriate for the principal to address the College and inform them of the facts of the incident and the condition of the student concerned.*

- c) *Restore normal functioning and College delivery*

- i) *Where the incident occurred on College premises, there will be other procedures to follow in relation to any possible safety issues and the College's legal obligations. The critical incident committee should identify the appropriate staff member to follow up these issues.*

3) Follow-up – monitoring, support, evaluation

- a) *Identification of any other people who may be affected by critical incident and access of support services for affected community members*
 - i) *The effects of traumatic incidents can be delayed in some people; the College needs to be aware of any emerging need for support and/or counselling.*
- b) *Maintain contact with any injured/affected parties*
- c) *If the student is in hospital for some time, the College needs to maintain contact with the student and their family.*
 - i) *Support and assistance for the student and family*
 - ii) *Depending on the condition of the student, the College could provide College work for the student to enable them to remain in touch with College activities*
 - iii) *Discuss with the family any required changes to the enrolment of the student e.g. suspension or cancellation of enrolment and make any changes required on PRISMS*
- d) *Provision of accurate information to staff and students where appropriate*
 - i) *Depending on the nature of the incident, it may be appropriate for the principal to address the College and inform them of the facts of the incident and the condition of the student concerned.*
- e) *Evaluation of critical incident management*
 - i) *The critical incident committee should be held to evaluate the critical incident report and the effectiveness of the management plan and to make modifications if required.*
- f) *Be aware of any possible longer-term effects on the College and student well-being e.g. inquests, legal proceedings*

Student Progress, Attendance and Course Duration Policy

Overseas students are required to meet and maintain satisfactory course progress and attendance requirements under visa condition 8202 and under Standard 8 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

1. Course Progress

- a) The College will monitor, record and assess the course progress of each student for the course in which the student is currently enrolled.
- b) The course progress of all students will be assessed at the end of each study period /semester of enrolment according to *Mueller College's* course assessment requirements.
- c) Students who have begun part way through a study period / semester will be assessed according to *Mueller College's* course assessment requirements after completing one full study period(semester).
- d) To demonstrate satisfactory course progress:
 - Primary Student (Prep-Year6)** will need to demonstrate a commitment to their studies and ongoing integration into the College community; continued progression meeting curriculum requirement markers to progress to the next year level and a willingness to participate in academic and Co-curricular activities.
 - Year 7 – 10 Students** Overseas students must pass all core subjects and fail no more than 2 elective subjects studied in any semester.
 - Year 11 – 12 Students** To demonstrate satisfactory course progress for the Senior Secondary Course, students must progressively accrue sufficient credit in Units in Years 11 and 12 to remain eligible for a Queensland Certificate of Education (QCE). Students enrolled for all four Units of a Senior Secondary Course will be identified and notified as being at risk of not achieving satisfactory course progress when their results indicate that the Learning Options available to them to remain eligible for a QCE are becoming limited.
- e) If at the end of a study period a student does not achieve satisfactory course progress as described above, the Head of sub-school will formally contact the parent(s) to advise that the student is at risk of breaching the course progress requirement and that there will be a meeting with the student to develop an intervention strategy for academic improvement. This may include;

- i. *After hours tutorial support*
 - ii. *Subject tutorial support in class time*
 - iii. *Mentoring*
 - iv. *Additional ESL support*
 - v. *Change of subject selection, or reducing course load (without affecting course duration)*
 - vi. *Counselling – time management*
 - vii. *Counselling -academic skills*
 - viii. *Counselling - personal*
 - ix. *other intervention strategies as deemed necessary*
- f) A copy of the student’s individual strategy for academic improvement and any relevant progress reports will be forwarded to parents. Parents will be advised if the proposed strategy has any implications for fees payable, the student’s progression through a package of courses, or the student’s visa. Where a proposed intervention plan has significant implications for the student’s course of study (as originally agreed), a new written agreement will need to be established. A new CoE may also be required.
- g) The student’s individual strategy for academic improvement will be monitored over the following study period by the Middle School or Senior School coordinator and records of student response to the strategy will be kept. Parents will be kept informed of the student’s academic progress while the student is receiving formal intervention.
- h) If the student does not achieve satisfactory course progress by the end of the next study period, *Mueller College* will advise the student in writing of its intention to report the student for breach of visa condition 8202, and that he/she has 20 working days in which to access the College’s internal complaints and appeals process. Following the outcome of the internal process, if the student wishes to complain or lodge an external appeal about a decision made or action taken by *Mueller College*, he/she may contact the Overseas Student Ombudsman at no cost. Please see *Mueller College’s Complaints and Appeals Policy* for further details
- i) The College will notify the ESOS agency via PRISMS of the student not achieving satisfactory course progress as soon as practicable where:

- i. the student does not access the complaints and appeals process within 20 days, or
- ii. the student withdraws from the complaints and appeals process by notifying the *Principal of Mueller College* in writing, or
- iii. the complaints and appeals process results in a decision in favour of the College.

2. Completion within expected duration of study

- a) As noted in 1.a., the College will monitor, record and assess the course progress of each student for the course in which the student is currently enrolled.
- b) Part of the assessment of course progress at the end of each semester will include an assessment of whether the student's progress is such that they are expected to complete their studies within the expected duration of the course.
- c) The College will only extend the duration of the student's study where it is clear the student will not be able to complete their course by the expected date because:
- d)
 - i. the student can provide evidence of compassionate or compelling circumstances (see Definitions below)
 - ii. the student has, or is, participating in an intervention strategy as outlined in 1.e.
 - iii. an approved deferment or suspension of study has been granted in accordance with *Mueller College's* Deferment, Suspension and Cancellation Policy.
- e) Where the College decides to extend the duration of the student's study, the College will report this change via PRISMS within 14 days and/or issue a new COE if required. In this case, the student will need to contact the Department of Immigration to seek advice on any potential impacts on their visa, including the need to obtain a new visa.

3. Monitoring Course attendance

- a) Satisfactory course attendance is attendance of 80% of scheduled course contact hours. [NB the National Code St 8 specifies a minimum attendance requirement of 80%, or under certain conditions, of 70% as outlined in St 8.15. College policy can require a higher minimum attendance rate.]

- b) Student attendance is:
 - i. checked and recorded daily
 - ii. assessed regularly
 - iii. recorded and calculated over each study period.

- c) Late arrival at College will be recorded and will be included in attendance calculations.

- d) All absences from College will be included in absentee calculations and should be accompanied by a medical certificate, an explanatory communication from the student's carer or evidence that leave has been approved by the Principal/Head of College.

- e) Any absences longer than *5 consecutive* days without approval will be investigated.

- f) Student attendance will be monitored by Head of sub-school every 2 weeks over a study period to assess student attendance using the following method:
 - i. Calculating the number of hours, the student would have to be absent to fall below the attendance threshold for a study period e.g. number of study days x contact hours x 20%.
 - ii. Attendance for any period of exclusion from class will be assessed under *Mueller College's* Deferment, Suspension and Cancellation Policy.

- g) Parents of students at risk of breaching *Mueller College's* attendance requirements will be contacted by email and students will be counselled and offered any necessary support when they have absences totalling 10 % in any study period.

- h) If the calculation at 3.f. indicates that the student has passed the attendance threshold for the study period, *Mueller College* will assess the student against the provisions of Item 3.i. (below). Where the student has failed to meet the minimum attendance requirement, and Item 3.i. does not apply, the College will promptly advise the student of its intention to report the student for breach of visa condition 8202, and that he/she has 20 working days in which to access the College's internal complaints and appeals process

The College will notify the

- i) ESOS agency via PRISMS of the student not achieving satisfactory course attendance as soon as practicable where:
 - i. the student does not access the complaints and appeals process within 20 days
 - ii. the student withdraws from the complaints and appeals process by notifying the *Principal of Mueller College* in writing,
 - iii. the complaints and appeals process results in a decision in favour of the College.

- j) *Students will not be reported for failing to meet the 80% attendance threshold for a study period where:*
 - i. *the student produces documentary evidence clearly demonstrating compassionate or compelling circumstances e.g., medical illness supported by a medical certificate or as per Definition, below , and*
 - ii. *the student's attendance has not fallen below 70% for the study period.*

- k) *The method for calculating 70% attendance is the same as that outlined in 3.f. with the following change; number of study days x contact hours x 30%, or number of study days x number of days per week x 30%.*

- l) *If the student's attendance falls below the 70% threshold for the study period, the process for reporting the student for unsatisfactory attendance (breach of visa condition 8202) will occur as outlined in 3.h – 3.i.*

4. Definitions

- a) *Compassionate or compelling circumstances* - circumstances beyond the control of the student that are having an impact on the student's progress through a course. These could include:
 - i. serious illness, where a medical certificate states that the student was unable to attend classes
 - ii. bereavement of close family members such as parents or grandparents (with evidence of death a certificate if possible)
 - iii. major political upheaval or natural disaster in the home country requiring their emergency travel that has impacted on their studies

- iv. a traumatic experience which has impacted on the student (these cases should be where possible supported by police or psychologists' reports)
- v. where the College was unable to offer a pre-requisite unit
- vi. inability to begin studying on the course commencement date due to delay in receiving a student visa.

For other circumstances to be considered as compassionate or compelling, evidence would need to be provided to show that these were having an impact on the student's progress through a course.

- b) *Expected duration* – the length of time it takes to complete the course studying full-time. This is the same as the registered course duration on CRICOS.
- c) *College day* – any day for which the College has scheduled course contact hours.
- d) *Study period* - Mueller College defines a “study period” for the purposes of monitoring course attendance and progress as a *semester*.
- e) *Learning Options* – the range of subjects and programs as outlined in [Learning Options 1.2.2](#) of the Queensland Curriculum and Assessment Authority (QCAA) QCE and QCIA Handbook.

Statement Regarding Course Credit

Mueller College will assess all applications for course credit for students enrolling in Senior Secondary Studies.

The student may receive course credit for units completed based on evidence provided of studies undertaken under the relevant state or territory curriculum assessment authority or nationally accredited framework.

Mueller College assesses and records course credit, according to requirements of the [Queensland Curriculum and Assessment Authority \(QCAA\)](#).

The following staff member(s) / department is responsible for reviewing, documenting, and updating student records relating to student applications for course credit:

Staff Member	Action
<i>Todd Langford</i>	Assessment of student enrolment application to decide course credit due
<i>Todd Langford</i>	Verification of evidence provided
<i>Todd Langford</i>	Provision of record of course credit granted to student and placement of signed copy, i.e., acceptance by student, on student file, to be retained for two years after student ceases to be a student of the College.

Crisis Care and Counselling

1.0 PREAMBLE

Health and safety is not only about physical health and safety. It also extends to psychological and emotional well-being. The school needs to be able to provide support and help in the form of counselling to both students and staff at times of personal crisis and after critical incidents.

There are many personal crisis situations involving both students and staff which can occur at any time in a school. These include:

- a) death in a family
- b) family break-up
- c) personal relationship problems
- d) drug or alcohol problems
- e) suicidal thoughts
- f) depression and stress
- g) academic and employment concerns
- h) adolescent insecurity
- i) bullying, intimidation or harassment.

Critical incidents are incidents which are outside the range of the ordinary daily routine of a school. They will usually create strong emotional and psychological responses in all people who are in some way associated with the incident. Examples of critical incidents are:

- a) death of a student or staff member (eg accident or suicide)
- b) tragedy on an excursion or on the way to or from school
- c) floods or fires
- d) allegations of sexual misconduct involving students or teachers
- e) criminal activity involving school staff/students or on school premises
- f) bomb threats.

There are many examples of critical incidents which have occurred in Australian schools and recent firearm incidents in America show the awful consequences of these particular incidents.

2.0 POLICY STATEMENT

2.1 School commitment

Mueller College is committed to:

1. a) providing confidential, professional and caring support for staff and students in crisis and in need of advice on personal, academic and professional matters
2. b) ensuring that systems are in place to deal with emergency situations in the school and that those systems include the provision of appropriate follow up care and counselling as needed.

2.2 Management priorities

The College aims to ensure that:

- a) staff are aware of any mandatory requirements for reporting student information
- b) appropriately qualified staff are available for staff and students to receive guidance and counselling on personal, professional and academic matters
- c) specialist staff are provided with appropriate resources and facilities to enable them to offer quality confidential support to students and staff
- d) specialist staff are provided with the opportunity and encouraged to maintain and upgrade their professional standards
- e) all staff are informed about how to recognise students or staff members in crisis or trouble and know where to refer them for appropriate support
- f) information will be dealt with confidentially within the framework of recognised mandatory reporting requirements
- g) there is recent and relevant information about personal and academic matters available to staff and students
- h) there are emergency procedures documented for a range of crises with nominated persons for specific roles, including the provision of counselling services
- i) there is long-term monitoring of persons involved in crisis situations
- j) reporting and recording of crisis incidents are carried out so that evaluation and review of systems, including the provision of follow up care, can be undertaken at regular intervals.

2.3 Principal's commitment

The principal, within the scope of his or her authority, will be responsible for ensuring that:

- a) appropriate staff are available to carry out the objectives of this policy
- b) resources and facilities are available to ensure the objectives of this policy are able to be carried out with integrity.

2.4 Staff commitment

Staff are responsible for being supportive of and cooperating with specialist staff responsible for carrying out the objectives of this policy.

3.0 KEY REQUIREMENTS

The school has a clear duty under occupational health and safety (OHS) legislation to care for staff who may need care or counselling as a result of their work duties. An obvious example is post-traumatic stress disorders after:

- a) being involved in a violent incident, eg student or parental assault on a teacher
- b) witnessing or assisting in an incident at the school, eg a serious accident or fatality.

The school also has a clear duty under the common law to care for the well-being of its students in situations where their presence at the school is a contributing factor in the need for help.

Less clear is the school's duty under these laws to provide support for staff and students in dealing with crises that are not directly related to the school, eg family problems or accidents outside the school's premises or beyond its control. The school has a duty to

foster the personal and emotional development of students and the well-being and effectiveness of staff, however, so the potential impact of a crisis on staff members' performance or students' schoolwork must be recognised, as well as the potential effect on relationships amongst students and staff.

The school needs to address these issues in the context of workplace health and safety by making appropriate preparations to guide the school's response to critical incidents or other personal crisis situations which might occur.

Part of the school's response may involve the provision of support and counselling, either at the school or by facilitating access to such services outside the school. Recommendations regarding counselling and the requirements of confidentiality are outlined below, under School Counselling Services.

4.0 MANAGING CRISES AND COUNSELLING

There are three main aspects to the management of critical incidents, other personal crisis situations, grief and counselling:

- a) making suitable preparations, such as deciding on procedures to be followed in the event of a crisis
- b) implementing those procedures in a sensitive manner to minimise the trauma, should the need arise
- c) providing counselling or access to specialist help if required.

4.1 Critical incidents

Schools need to be able to respond quickly to a critical incident which involves school staff and/or students. The school can prepare for such contingencies by establishing emergency procedures which include the provision of follow-up crisis care as needed. The school community - staff, students, parents - needs to be aware in general terms that the school has plans in place for dealing with emergencies and for managing any subsequent staff and student trauma.

It is advisable to provide staff with training in dealing with traumatised people during an incident, and in the procedure for referring these people to specialist help during and after the incident.

If an incident occurs, a crisis management team may need to be established in the school. It should include staff involved with the preparation of emergency procedures, and may include outside support staff (eg psychologists, ambulance and medical staff, emergency services staff, police).

In addition to procedures for handling specific crises (eg fire evacuation procedures), the school will need a procedure document for crisis care which outlines the following:

- a) immediate response roles
- b) external contact numbers for specific emergencies
- c) responsibilities for managing and informing staff, students, parents
- d) responsibility for handling the media
- e) counselling support for stressed and anguished persons

- f) designated recovery and withdrawal areas if required
- g) longer term follow-up support for persons affected by the incident
- h) long-term monitoring of those most affected when they return to school/work i) debriefing procedures for the crisis team and others involved in managing the incident
- i) reporting and recording the incident and evaluating the effectiveness of the
- j) program.

4.2 Grief management

Critical incidents can occasion considerable grief to members of the school community, and schools can find themselves confronted with the need to deal with some very emotional reactions as the impact of the incident is felt. The school's response to a critical incident involving its staff or students requires delicate handling to minimise the trauma.

For example, in the case of a suicide of a student or staff member, inappropriate glamorisation of the person or his or her action can raise the potential for another suicide to occur. For this reason, it may be important to avoid emphasising the strengths of the person who committed suicide, and it is better to reinforce that the person must have been very troubled, rather than indicate that the person's action has deeply saddened, hurt or frustrated others.

Following a death or a life-threatening incident, different people experience grief in different ways. A new trauma can re-awaken grief associated with a previous loss, or it can bring unresolved tensions into focus.

If the students or staff attribute blame for the incident to others in the school community, rumours can spread, and the emotional reaction can get out of hand.

For these reasons, it is important for the school to have made appropriate preparations so that the response can be managed. A Critical Incident Procedure document is provided to assist in dealing with occurrences such as these. It can also be used to suggest preparations the school can make to ensure that if such an event occurs, the school will be able to respond in a coordinated and considered way.

4.3 School counselling services

The provision of support and counselling will often be required, both in response to critical incidents and other personal crises, as well as in day-to-day matters.

Counselling is best given by those professionally trained to do so. Teachers should be wary of assuming this role, and may need to refer students and other staff to suitably qualified persons.

4.4 Confidentiality

A professional counsellor's confidentiality is generally expected by the person receiving counselling. However, there will be conflict at times between the promise of confidentiality

and an obligation (in some instances mandatory) to report certain matters to other people - the principal, parents, police or children's services.

Counsellors must protect confidentiality but should also indicate openly to their clients that this confidentiality may be breached if there is a risk that persons or property are endangered through the keeping of this confidence. This should be done at the beginning of an interview.

Likewise, a counsellor's records are confidential. However, if the records are able to help avoid danger and damage to individuals or property in the future, then the code of confidentiality may have to be breached.

4.5 The law and "advice giving"

There have been many cases dealing with the giving of advice in business settings. Principles established under the common law - the law of negligence and contract law - provide that when one person advises or gives specialist information to another, the person giving the advice does so in a professional capacity if:

- there is a special relationship between the two, that of professional and advice seeker
- the advice is given in a formal context and not socially
- the advice is given following a specific request from the enquirer
- the adviser voluntarily assumes responsibility for the advice or information
- the adviser would expect that the enquirer would rely on the advice.

If the advice causes damage or loss to the recipient, there may be grounds for a case of professional negligence. Though the early cases involved instances of commercial or business activity, the range of situations in which professional negligence may arise has been broadened and could equally apply to advice given in schools.

4.6 Day-to-day counselling

Teachers giving advice

All teachers at some point find themselves being asked for their advice by students or having to counsel students through difficult periods of their lives. This includes:

- a) course selection inquiries
- b) advice on personal matters
- c) career path information
- d) guidance in behaviour management
- e) comforting in crisis situations.

Many of these situations will occur incidentally through the life of the school. However, teachers are advised to provide advice with extreme caution and within the limits of their training and qualifications. When there is access to qualified counsellors and guidance officers in the school, teachers should refer students to these experts.

Specialist staff

The professional status of specialist staff means that the standard of care expected of them is higher than for teaching staff in this capacity. It is important that specialist staff keep up-to-date with developments in the provision of professional care and counselling services.

Counselling sessions

Where possible, counselling sessions should be planned and conducted according to the following guidelines:

- a) the session allows sufficient time to cover all relevant issues
- b) the patient's background is known (a preliminary interview, if feasible, is useful to determine the agenda)
- c) time and resources are available to prepare for the session
- d) requested information which is not known by the counsellor should be noted and followed up (it is better to indicate what is not known rather than pretend to know)
- e) a written record of any advice provided is confirmed by the patient (preferably signed) at the end of the session
- f) a record of the session and any further action required and/or resolution are made in the counsellor's records.

One-to-one counselling

Teachers and counsellors are advised to be very careful when placing themselves in a one-to-one situation with students, particularly of the opposite sex. Such situations may expose counsellors later to allegations of sexual harassment or assault on the student, or even to harassment or assault by the student. Where possible, alternative arrangements should be made, such as:

- a) having a team or group session (eg where a group of people have been involved in a traumatic incident or where a number of people have had similar individual experiences)
- b) having another staff member present
- c) asking the student to bring a friend for support
- d) transferring the session to a staff member of the same sex as the student.

If one-to-one counselling is unavoidable (eg for reasons of confidentiality or practicality), the session should take place where it is visible to other staff, while still allowing for confidentiality (eg in a room with glass windows or walls). It is also advisable to alert someone else if it is likely that the session may prove difficult or turn nasty, eg by arranging to have someone within close proximity in case assistance during the session is required.

5.0 DOCUMENTS

The following documents are provided to assist in managing the provision of support within the school:

- a) Critical Incident Procedure
- b) Emergency Management Record (to record names/contact details of emergency / counselling staff).
- c) Crisis Care & Counselling Checklist