



# International Students Policies

2017

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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 *the Enrolment Application*. 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 school 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) Completed Homestay or Boarding Application Form (if applicable)
  - h) Enrolment Application Fee
  
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 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.

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.

*Minimum academic performance is:*

- a) *For Primary College:*
  - Evidence of application to College work and age-appropriate achievement in literacy and numeracy areas of the curriculum
- b) *For Year 7 – 12 students:*
  - A pass level or “C” grade or better for the majority of core subjects

### English Language Proficiency Requirements

1. *Mueller College* requires evidence of sufficient proficiency in English to successfully meet the curriculum demands of the enrolled course. This is a requirement under the 2007 National Code of Practice, Section D Standard 2.
2. *Mueller College* must obtain evidence that assessment of an overseas student’s proficiency in English has been carried out (unless that is clearly not relevant). Assessment must be done by a suitably qualified person. Evidence of Assessment must meet the requirements of the Migration Regulations.

Alternatively, *Mueller College* accepts results from the following test instruments:

<b>Year Level</b>	<b>Acceptable Test</b>	<b>Minimum Test Result</b>
<b>Year 10</b>	<b>NLLIA (ESL) Bandscales</b>	<b>Bandscales Level 2 and 3: Elementary ESL Proficiency</b>
<b>Year 11</b>	<b>NLLIA (ESL) Bandscales</b>	<b>Bandscales Level 4 and 5: Intermediate ESL Proficiency</b>
<b>Year 12</b>	<b>NLLIA (ESL) Bandscales</b>	<b>Bandscales Level 6: Advanced ESL Proficiency</b>

3. 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.
4. Students wishing to enter the College below year 10 level 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.

## 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.

### **Australian laws protect international students**

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 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 at <https://internationaleducation.gov.au/regulatory-information/pages/regulatoryinformation.aspx>.

### **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 <http://cricos.education.gov.au>.

#### **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 Immigration and Border Protection's website at [www.border.gov.au/Trav/Visa/Usin](http://www.border.gov.au/Trav/Visa/Usin).

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 <https://tps.gov.au/> for more information
- access complaints and appeals processes
- 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.

In Australia there are also very strong protections for students' fees, which you can learn more about on

**page 5** of this fact sheet under **Protecting your tuition fees**.

### **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.

### **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 relates to the course you are studying.

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 Immigration and Border Protection 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: <http://www.border.gov.au/Busi/Educ/Educ/Welfare-requirements-for-student-visa-applicants-under-18> and <http://www.border.gov.au/Trav/Stud/More/Visa-conditions/visa-conditions-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 Immigration and Border Protection's website at [www.border.gov.au/Trav/Stud/More/Visa-conditions/visa-conditions-students](http://www.border.gov.au/Trav/Stud/More/Visa-conditions/visa-conditions-students), 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](http://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/awards-and-agreements](http://www.fairwork.gov.au/awards-and-agreements).

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 <https://www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work> or <https://www.humanrights.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](http://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

Immigration and Border Protection website at [www.border.gov.au/Trav/Stud/More/Work-conditions-for-Student-visa-holders](http://www.border.gov.au/Trav/Stud/More/Work-conditions-for-Student-visa-holders)

### **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 Immigration and Border Protection's website at <http://www.immi.gov.au/Study/Pages/changing-courses.aspx>.

For more details about the legislative requirements around transferring courses, you can visit: <https://internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD7.aspx>

### **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 <http://cricos.education.gov.au/Institution/InstitutionSearch.aspx>

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 <http://www.ombudsman.gov.au/about/overseas-student-ombudsman-landing-page> 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/about/our-history/state-and-territory-ombudsmen](http://www.ombudsman.gov.au/about/our-history/state-and-territory-ombudsmen).

### Questions?

If you have any questions or concerns that haven't been answered in this fact sheet, you can submit an enquiry at <https://internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/ESOSenquiries/Pages/Default.aspx>

### Find out more and connect on social media

**Study in Australia** is the official Australian Government website for international students. You can connect with it through:

- Website: <https://www.studyinaustralia.gov.au/>
- Facebook: <https://www.facebook.com/studyinaustralia>
- Twitter: <https://twitter.com/futureunlimited>
- YouTube: <http://youtube.com/afutureunlimited>

The **Fair Work Ombudsman** gives you information and advice about your workplace rights and obligations. You can connect with it through:

- Website: <https://www.fairwork.gov.au/>
- Facebook: <https://www.facebook.com/fairwork.gov.au>
- Twitter: [https://twitter.com/fairwork\\_gov\\_au](https://twitter.com/fairwork_gov_au)
- YouTube: <http://www.youtube.com/user/FairWorkGovAu>
- Subscribe to email updates at <https://www.fairwork.gov.au/Website-information/staying-up-to-date/subscribe-to-email-updates>

## **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: <https://www.medibank.com.au/overseas-health-insurance/>

## OVERVIEW OF TUITION FEES AND NON-TUITION FEES

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

This includes:

- a) having a written agreement with a student or intending student that sets out the length of each study period and tuition fees for each study period for a student's course
- b) not receiving more than 50% of the student's total tuition fees for a course before the student has begun the course, and
- c) once the student begins a course, not requiring any of the remaining tuition fees for the course to be paid more than 2 weeks before the beginning of the student's second study period for the course.

*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) International Student Handbook
- 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.

### **Record Keeping Requirements in Relation to Fees**

Refer to [Overview](#) and [Checklist](#) of Tuition Fees and Non-Tuition Fees, and [Recent ESOS Changes FAQs](#) for details about record keeping requirements in relation to fees.

## **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 CozE, 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 complaint 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 s47E
- (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 fees received, directly or indirectly, that are directly related to the provision of a course.

**Tuition fees** include tuition fees, fees for compulsory course materials, and any compulsory enrolment or administration fees that apply during the entire period of enrolment.

**Non-tuition fees** include fees such as OSHC, accommodation fees, (such as homestay or boarding fees), book fees (where books are not supplied by the College) and uniform fees. 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**, 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**

By definition, a **study period** cannot be longer than 24 weeks.

There are also 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 school 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
- ii. amount of **tuition** and **non-tuition fees** received before creating a CoE in PRISMS
- iii. start and end dates for the period covered by **tuition fees** received
- iv. whether OSHC has been paid for the student before the course begins
- v. details of any tuition fees (amount, date of payment and period covered) within 14 days of the end of any calendar month in which tuition fees have been received.

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.

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 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.

## 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.

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 *the College Fee Policy*.
  - b) An itemised list of College fees is provided in the College's written agreement *as per NC Standard 3.1.b*
  - 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 the Head of College.

### **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).*

- c) 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).

### **Student default**

- (a) Non-tuition fees:  
 Non-tuition fees will be refunded.... [ *provide details, e.g., 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 relevant study period, 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 study period 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 than 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:

No refund of tuition fees will be made where a student's enrolment is cancelled for any of the following reasons:

- i. Failure to maintain satisfactory course progress (visa condition 8202). Please see Course Progress and Attendance Policy.
- ii. Failure to maintain satisfactory attendance (visa condition 8202). Please see Course Progress and Attendance Policy.
- iii. Failure to maintain approved welfare and accommodation arrangements (visa condition 8532). Student Accommodation and Welfare Policy.
- iv. Failure to pay course fees.

Any behaviour identified as resulting in enrolment cancellation in Mueller College College's Behaviour Policy. Please see *Mueller College Student Behaviour Policy*

### **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>.*

This agreement and the availability of complaints and appeals process, does not remove the right of the student to take action under Australia's consumer protection laws.

### **Definitions**

**Non-tuition fees** – fees not directly related to provision of the student's course, including uniform costs, bus and travel costs and accommodation.

**Pre-paid fees** - tuition fees received by the College for a study period of the student's course before the student begins the study period.

**Tuition fees** – fees directly related to the provision of the student's course, including tuition, provision of resources, levies and curriculum related excursions.

Unspent pre-paid fees – in the case of the College not being able to provide the course in which the student is enrolled, unspent prepaid tuition fees will be calculated according to a Legislative Instrument: <http://www.comlaw.gov.au/Details/F2012L01351>.

**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.**

## STUDENT ACCOMODATION AND WELFARE POLICY

Mueller College approves the following accommodation options for overseas students:

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

In this case:

- 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 for the purposes of visa application for approval of these arrangements, The Department of Immigration must also approve any further change of welfare arrangements.
- If the adult responsible for the welfare, accommodation and other support arrangements for a student under 18 years holds a [Guardian visa \(subclass 590\)](#), all obligations and conditions of this visa must be met, including:
  1. not leaving Australia without the nominating student unless the College has first approved alternative welfare and accommodation arrangements for the student for the adult's period of absence, and
  2. advising the Department of Immigration of any change of address, passport or other changes of circumstances.

**2. The student will live in College approved accommodation and care arrangements and the College will generate the welfare letter (CAAW) via PRISMS to accompany the student's Confirmation of Enrolment (CoE).**

In this case:

- i. Any accommodation, welfare and other support arrangements for the student must be approved by the College, including arrangements provided by third parties
- ii. Any changes to approved arrangements must also be approved by the College. **This includes any requests by students under 18 years of age to attend "Schoolies Week" on completion of Year 12**
- iii. If a student for whom the College has issued a CAAW refuses to maintain approved arrangements, the College will report this to the Department of Immigration and advise the student to contact the Department of Immigration to ensure visa implications are understood. (See Department of Immigration office addresses at: [www.border.gov.au/about/contact.offices-locations/australia](http://www.border.gov.au/about/contact.offices-locations/australia))

College approved accommodation options for full fee paying 571 visa subclass students under 18 years of age include: *[Delete any which do not apply]*

- i. Private accommodation and care arrangements approved by the College which meet all requirements under relevant state and commonwealth legislation.

**3. For College vacation periods, the following accommodation options are available to full fee paying 571 visa subclass students under 18 years of age for whom the College has issued a CAAW:]**

- i. Student returns home to parents
  - ii. Student continues to live in / is placed in Homestay arranged and approved by the College
  - iii. Student may spend vacation with relatives or a friend's family if all requirements are met in order to attain College approval.
  - iv. Student may attend a supervised excursion, camp, etc., if all requirements are met in order to attain College approval.
- 4. Accommodation options for full fee paying 571 visa subclass students 18 years and older include:**
- Private accommodation arrangements
- 5. For College vacation periods, the following accommodation options are available to full fee paying 571 visa subclass 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

Additional Information:

**HOMESTAY / PRIVATE ACCOMMODATION ARRANGEMENTS:**

The Homestay / private accommodation arrangements *[use applicable option]* operated by *Mueller College* / approved by *Mueller College* meets Queensland legislative requirements for child protection as well as Standard 5 of the National Code. These include

- Continuous dates for approved welfare arrangements
- Documented procedures for checking suitability of accommodation, support and general welfare arrangements
  - Guidelines for selecting family and ensuring the family can provide a stable environment for the duration of the student's enrolment at the College
  - Criteria about accommodation services to be provided, and contract for arrangements about providing accommodation services
  - Orientation program for families new to provision of homestay services
  - Compliant Homestay risk management strategy, reviewed annually, undertaken by operator of the homestay program
- Blue card for adults as required living in the homestay / private arrangement other than overseas students.

## STUDENT GUARDIAN VISAS

*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 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.

## STUDENT TRAVEL POLICY

All International Students, under 18 years of age and older are accepted into our program on the condition that maintain arrangements for their general welfare, as outlined in the Welfare Letter. Students must uphold their Visa Conditions while studying and living in Australia or their Visa may be cancelled and the Student required to leave Australia.

**For College vacation periods**, the following accommodation options are available to full fee paying overseas students (under 18 years of age and older)

- a. Student returns home to parents
  - Completed holiday form is received at least 3 weeks before expected travel.
  - Written permission is received by the College at least 3 weeks before expected travel.
- b. Student continues to live in / is placed in Homestay arranged and approved by the school
  - Student must abide by all homestay conditions imposed on them throughout the term including all curfews and rules.
- c. Student may spend vacation with friend's family or relatives if all requirements are met in order to attain school approval
  - A signed letter from the parents of the student outlining support for their child to live in and under the care of the friend or relative at least 3 weeks before expected travel.
  - The Friend or relative must be over 21 years of age
  - The Mueller College must agree to the accommodation arrangements or a report will be made to the Department of Immigration for breach of Welfare Conditions.
- d. Student may attend a supervised excursion, camp, etc., if all requirements are met in order to attain school approval
  - The excursion or camp is organised by either Mueller College and that are aware of the absence of the student from their homestay via a holiday/leave form.

If a student intends travelling to his or her home country during the holidays or within Australia, it is their responsibility to check school term and course dates with the International Student Coordinator or Studies Co-ordinator **prior to** booking flights.

For further information in relation to student travel enquiries please contact the International Coordinator (Mr Sadler) or Studies Co-ordinator Mr Bird.

If an application for travel/activity is not approved, the Student **must not** proceed with the proposed travel/activity.

**If the College has taken responsibility for approving arrangements for student care and welfare**, should the College not approve requests for changes to agreed arrangements, and

the student refuses to maintain the approved and agreed arrangements, the College will advise the student this will be reported to DIAC via the pro forma letter in PRISMS and the student may have his/her visa cancelled. DIAC will contact the student directly to ensure visa implications are understood. This includes any requests by students under 18 years of age to attend "Schoolies Week" on completion of Year 12.

## CRITICAL INCIDENT POLICY

Example of a critical incident plan - injury to overseas student

*The sample critical incident policy, sample critical incident plan (injury to an overseas student) and a pro forma for reporting a critical incident below are from the Colleges Council of Australia (ISCA) National Code 2007 Transition handbook for non-government Colleges enrolling full-fee paying overseas students, at [www.isca.edu.au](http://www.isca.edu.au)*

- 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. 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 Head of College 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) *Paul Valesse* 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 (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
  - 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

#### **4) Critical Incident Plans**

All critical incident plans assign responsibilities among relevant staff members; cover all the actions to be taken and timelines for doing so.

- 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 school 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 school 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 school 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 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 school 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 school should assess whether other staff and students have been affected by the incident and provide support and counselling as required.

- o) The school should also contact DIBP 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 school and inform them of the facts of the incident and the condition of the student concerned.
  - c) Restore normal functioning and school delivery
    - i) Where the incident occurred on school premises, there will be other procedures to follow in relation to any possible safety issues and the school'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 school 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 school 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 school could provide school work for the student to enable them to remain in touch with school 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 school 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 school and student well-being e.g. inquests, legal proceedings

## TRANSFER REQUEST POLICY

1. Overseas students are restricted from transferring from their principal course of study for a period of six months. This restriction also applies to any course(s) packaged with their principal 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 Letter of Release.
  
2. Students can apply to Head of College for a Letter of Release 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 Head of College course of study or is under 18 years of age, conditions apply.
  
3. *Mueller College* will only provide a letter of release to students before completing the first six months of their Head of College 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) It has been agreed by the College the student would be better placed in a course that is not available at *Mueller College*.
  - c) 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
  - b) Written confirmation that the new provider will accept responsibility for approving the student's accommodation, support, and general welfare arrangements where the student is not living with a parent / legal guardian or a suitable nominated relative
  - c) Evidence that the student is always in Department of Immigration approved welfare and accommodation arrangements.

See also [Transfer between registered providers Explanatory Guide for Standard 7, in particular: Transfer policy – what is reasonable and Reasons for refusing a letter of release](#) ]

- 1) *Mueller College* will NOT provide a letter of release to students before completing the first six months of their Head of College 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 study period.
- 2) In order to apply for a letter of release, all students must first have a letter of offer from the receiving provider.
  - 3) Applications to transfer to another registered provider may have visa implications. The student is advised to contact the Department of Immigration office as soon as possible to discuss any implications. The address of the nearest Office is:
  - 4) See [www.border.gov.au/about/contact/offices-locations/australia](http://www.border.gov.au/about/contact/offices-locations/australia) for street address of the Department of Immigration Offices in Brisbane and regional centres  
Students can also contact the Department of Immigration through their web enquiry form:  
<http://www.border.gov.au/about/corporate/information/forms/online/student-visa-enquiry-form>
  - 5) If a letter of release is provided by this College it will give information about whether the student has demonstrated a commitment to studies during the course, had a good attendance record for the course, and paid all fees for the course.
  - 6) All applications for transfer will be considered within 10 working days and the applicant notified of the decision.
  - 7) Students whose request for transfer has been refused will be notified in writing of the reasons for refusal and may appeal the decision in accordance with *Mueller College's* complaints and appeals policy. The complaints and appeals policy is available through the Registrar.



College provides student with WRITTEN STATEMENT OF OUTCOME AND REASONS within policy timeframe.



- Student complaint or appeal is resolved internally and formally.
- Any remedial or corrective action undertaken.
- All records filed.
- Student enrolment continues.

Student complaint or appeal is not resolved by internal formal C&AP.



Student is ADVISED TO ACCESS EXTERNAL C&AP via OSO [www.oso.gov.au](http://www.oso.gov.au) within stated timeframe. (See detailed information in [Explanatory Guide for NC D](#) for St 7, 8, 10 11 and 13.)

- If a student appeals the College's decision not to grant transfer (St 7), the student must maintain their enrolment at the College (and welfare arrangements if applicable) until the completion of the external appeals process.
- If a student appeals the College's decision to report under St 10 and 11, the College must maintain the student's enrolment (and welfare arrangements if applicable) until completion of the external appeals process.
- If a student appeals the College's decision to suspend or cancel a student's enrolment because of misbehaviour under St 13, the College does not need to await the outcome of the external appeals process before changing the student's enrolment status in PRISMS.



External C&AP finds in favour of College. College takes appropriate action and keeps all records of process on file.

External C&AP finds in favour of student. College immediately implements any decision and/or corrective or preventative action required and advises student of the outcome as per NC St 8.5 and keeps all records of process on file.

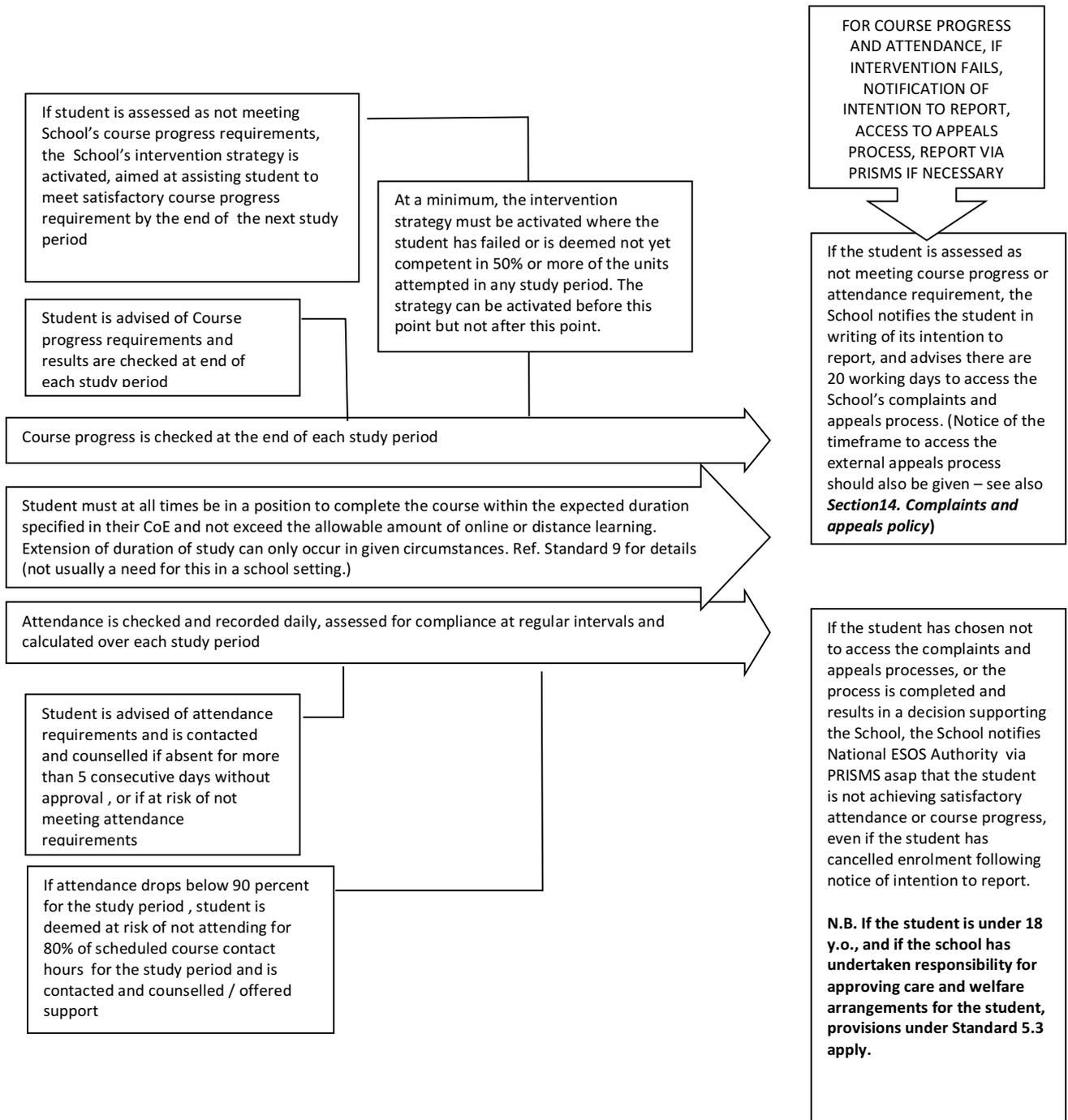
## COMPLAINTS AND APPEALS POLICY

*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 and again within 7 days of the commencement of student attendance of the enrolled course.*

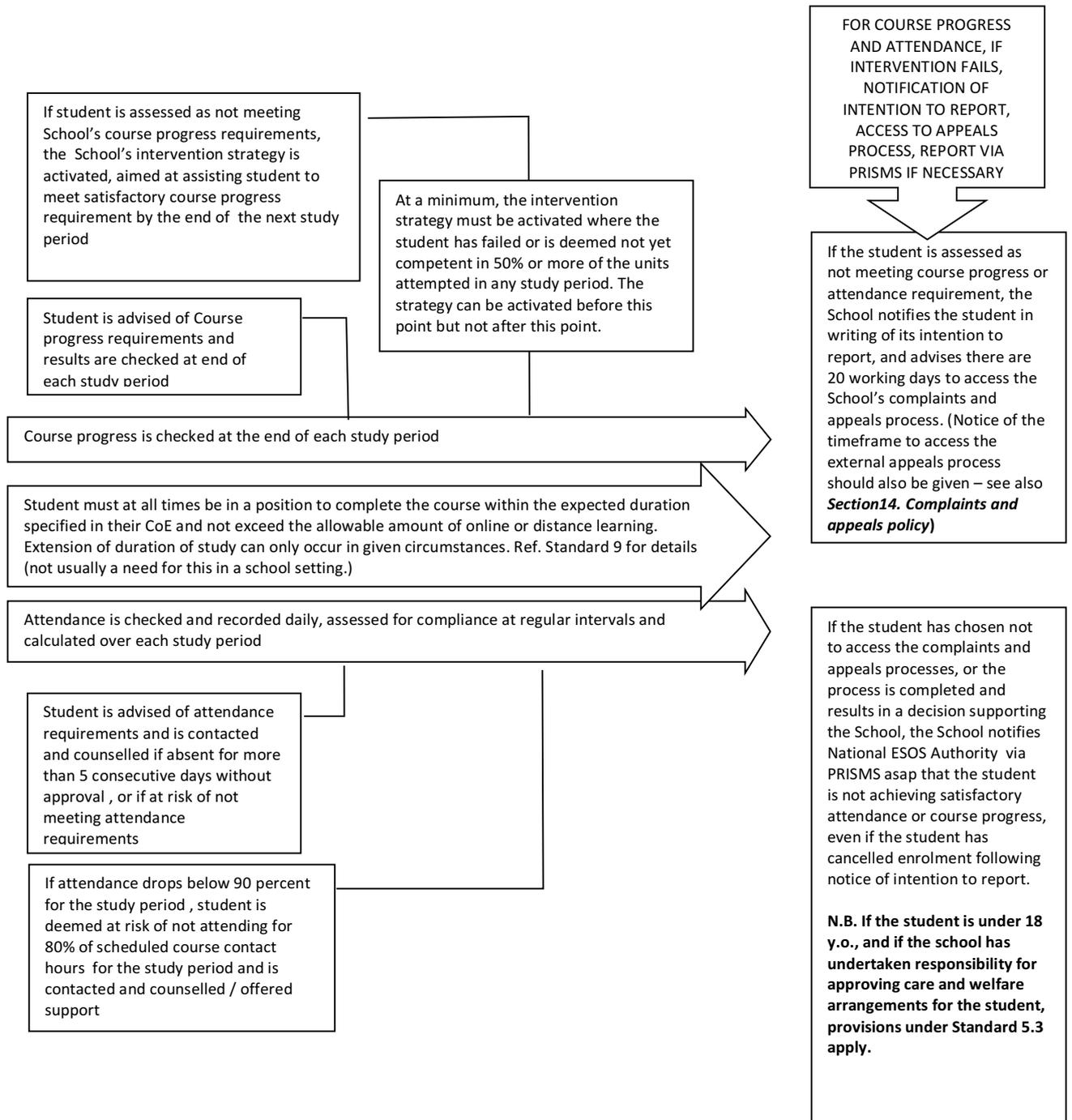
1. Purpose
  - a) The purpose of *Mueller College's* Complaints and Appeals Policy is to provide a student or parent(s)/legal guardian with the opportunity to access procedures to facilitate the resolution of a dispute or complaint.
2. Complaints Against Other Students
  - a) Grievances brought by a student against another student will be dealt with under the College's Behavior Policy.
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 the teacher/Head of sub-College/International Student Officer in the first instance to attempt mediation/informal resolution of the complaint.
  - c) If the matter cannot be resolved through mediation, if the matter cannot be resolved through mediation, the matter will be referred to the Head of College and Mueller's internal formal complaints and appeals handling procedure will be followed.
4. Formal Complaints Handling Procedure
  - 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/other.
  - 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/other.
  - g) Students and / or the College may be accompanied and assisted by a support person at all relevant meetings.

- h) The formal grievance process will commence within *10 working days* of the lodgement of the complaint or appeal with the Head of College/other.
  - i) Once the Head of College/other 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.
  - j) If the grievance 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.
  - k) *Mueller College* undertakes to finalise all grievance procedures within XX working days [*timeframe needs to be as soon as is practicable*].
  - l) For the duration of the appeals process, the student's enrolment and attendance must be maintained.
5. External Appeals Processes
- a) If the student is dissatisfied with the conduct or result of the complaints procedure, he/she may seek redress through an external body at minimal or no cost.
  - b) If the student wishes to complain or to lodge an external appeal about a decision made or action taken by *Mueller College*, he/she may contact the Overseas Students Ombudsman at no cost. The Overseas Students Ombudsman offers a free and independent service for overseas students. Please see: [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.
6. 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.
- 7. 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.*

## DIAGRAMMATIC OVERVIEW OF COLLEGE MONITORING ACTIVITIES



## PROGRESS MONITORING OVERVIEW



## COURSE PROGRESS AND ATTENDANCE POLICY

This policy is available to staff and to students.

### **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.
- c) Students who have begun part way through a semester will be assessed after one full study period.
- d) To demonstrate satisfactory course progress, students will need to achieve a minimum satisfactory result in all subjects of the course in any study period and/or regular completion of homework; submission of all assessment pieces and participating in class. A 'minimum satisfactory result' is defined as competency in at least 50% of units in any study period.
- e) If a student does not achieve a satisfactory result in a study period the Head of sub-school will formally contact the parent(s) to advise 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 and progress reports in achieving improvement will be forwarded to parents.
- g) The student's individual strategy for academic improvement will be monitored over the following study period by [insert role of College staff member] and records of student response to the strategy will be kept.
- h) If the student does not improve sufficiently academically and 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. This must be done within 20 days. Please see *Mueller College's Complaints and Appeals Policy* for further details.
- i) The College will notify the National ESOS Authority 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. withdraws from the complaints and appeals process, or
  - iii. the complaints and appeals process results 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 course 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 of:
- d)

- i. compassionate or compelling circumstances (see Definitions below)
  - ii. student participation 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.

### 3. Monitoring Course attendance

- a) Satisfactory course attendance is attendance of *80%* of scheduled course contact hours. *[NB the National Code St 11 specifies a minimum attendance requirement of 80%, or under certain conditions, of 70% as outlined in St 11.9. 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 Head of College/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 x days/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%. [For example, a 20 week study period with 5 contact hours a day would equal 500 contact hours. 20% of this is 100 hours.]
  - ii. Any period of exclusion from class *will / will not be* [insert which is applicable] included in student attendance calculations. [See [Sample College Deferment, Suspension and Cancellation Policy](#) points 5 and 6.]
  
- 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 20% 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 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 school's internal complaints and appeals process except in the circumstances outlined in 3.i.
  
- i) The school will notify the National ESOS Authority via PRISMS of the student not achieving satisfactory course attendance as soon as practicable where:
- j)
  - i. the student does not access the complaints and appeals process within 20 days
  - ii. withdraws from the complaints and appeals process
  - iii. the complaints and appeals process results in a decision for the school.
  
- k) Students will not be reported for failing to meet the 80% [if applicable: see NC St 11.9] threshold 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. has not fallen below 70% attendance.
  
- l) *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%.*

- m) *If a student is assessed as having nearly reached the threshold of 70% attendance for a study period, [insert position] will assess whether a suspension of studies is in the interests of the student as per Mueller College's Deferment, Suspension and Cancellation Policy.*
  
- n) *If the student does not obtain a suspension of studies under the Mueller College's Deferment, Suspension and Cancellation Policy, and falls below the 70% threshold for attendance 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* – a discrete period of study within a course which cannot exceed 24 weeks. *Mueller College* defines a “study period” for the purposes of monitoring course attendance and progress as a *semester*.

## **COURSE CREDIT POLICY**

Mueller College does not offer course credit.

Entry into any course is subject to the assessment and decision of the College.

This also applies to school transfers, either within the state or from interstate.

## **DEFERMENT, SUSPENSION & CANCELLATION POLICY**

### **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 was 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 requiring emergency travel that has impacted on studies
  - iv. a traumatic experience which has impacted on the student (these cases should be where possible supported by police or psychologists' reports).
- b) The final decision for assessing and granting a deferment of commencement of studies lies with the Head of College
- c) 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
  - 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 requiring emergency travel that has impacted on studies
  - iv. a traumatic experience which has impacted on the student (these cases should be where possible supported by police or psychologists' reports).
- b) 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.
- c) The period of suspension will not be included in attendance calculations.
- d) The final decision for assessing and granting a suspension of studies lies with the Head of College.

### **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 *Mr Paul Vales*. Please see *Mueller College's Refund Policy* for information regarding refunds.

#### 4. Assessing requests for deferment or suspension of studies

- a) Applications will be assessed on merit by Head of College.
- b) All applications for deferment or suspension will be considered within 10 working days.

#### 5. College initiated exclusion from class (1 – 28 days)

- 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/Behaviour Policy.
- b) Excluded students must abide by the conditions of their exclusion from studies which will depend on the welfare and accommodation arrangements in place for each student and which will be determined by the Head of College.
- c) 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.
- d) Exclusions from class will not be recorded on PRISMS.
- e) Periods of 'exclusion from class' for up to 5 days will not be included in attendance calculations as per Mueller College Course Progress and Attendance Policy

#### 6. College initiated suspension of studies (28 days +)

- 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/Behaviour Policy.
- b) Suspended students must abide by the conditions of their suspension from studies which will depend on the welfare and accommodation arrangements in place for each student and which will be determined by the Head of College.
- c) Students who have been suspended for more than 28 days may need to contact Department of Immigration. (Please see contact details at: <http://www.border.gov.au/about/contact/offices-locations>)
- d) If special circumstances exist, the student must abide by the conditions of his or her suspension which will depend on the welfare and accommodation arrangements in place for each student and which will be determined by the Head of College
- e) Suspensions will be recorded on PRISMS.
- f) The period of suspension will not be included in attendance calculations.

#### 7. College initiated cancellation of enrolment

- a) Mueller College will cancel the enrolment of a student under the following conditions:
  - i. Failure to pay course fees
  - ii. Failure to maintain approved welfare and accommodation arrangements (visa condition 8532)
  - iii. Any behaviour identified as resulting in cancellation in *Mueller College's* Behaviour Policy/Behaviour Policy.
- b) Mueller College is required to report failure to maintain satisfactory course progress and failure to maintain satisfactory attendance to Department of Immigration, which may impact on a student's visa.
- c) Mueller College may cancel the enrolment of a student for failure to disclose a pre-existing condition requiring a high degree of specialised support or care.
- d) Students who have had enrolment cancelled are advised to contact the Department of Immigration. (Please see contact details at: <http://www.border.gov.au/about/contact/offices-locations>)

College initiated cancellation of enrolment is subject to *Mueller College* Complaints and Appeals Policy. Please see 8), below.

#### **8. Complaints and Appeals**

- a) Student requests for deferment, and suspension and cancellation of enrolment are not subject to *Mueller College's* Complaints and Appeals Policy.
- b) Exclusion from class is subject to *Mueller College's* Complaints and Appeals Policy.
- c) College initiated suspension, where the suspension is to be recorded in PRISMS, and cancellation are subject to *Mueller College's* Complaints and Appeals Policy.
- d) For the duration of the internal appeals process, the College will maintain the student's enrolment and the student will attend classes as normal.
- e) If students access *Mueller College's* complaints and appeals process regarding a College initiated suspension or cancellation of enrolment under Standard 13, 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. NB: Students may still access the external complaints and appeals process, but the College need not await the outcome of this process before changing the student's enrolment status in PRISMS. However, if the College has issued a CAAW for a student, welfare provisions under NC St 5.3 are applicable.
- f) Extenuating circumstances 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.
- 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 *Head of College*.

#### **9. 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 Immigration Website <http://www.border.gov.au/Trav/Stud> for further information about their visa conditions and obligations.

#### **10. Definitions**

*Day – any day including weekends and public holidays in or out of term time*

# INCIDENT REPORTING AND INVESTIGATION POLICY

## 1.0 POLICY STATEMENT

### 1.1 College Commitment

Mueller College is committed to providing as far as possible a workplace that is healthy and free from injury.

In the event of an accident/incident, the College is committed to a full and proper investigation.

A prior goal of investigation is to ascertain the cause of an incident with a view to prevention of such or similar incidents in the future.

The College is committed to implementing effective control measures where necessary subsequent to an accident / incident occurring.

## 2.0 INTRODUCTION

This policy outlines the requirements for the investigation and reporting of incidents that occur at the College. It also outlines the requirements for statutory reporting of notifiable work-related injuries and dangerous events, a mandatory requirement under Qld Health and Safety legislation.

A primary goal of investigation of incidents is to ascertain the cause of an incident with a view to prevention of such or similar incidents in the future.

## 3.0 DEFINITION

**Accident** means an unplanned occurrence or **incident** that causes or contributes to personal injury or damage to property.

**Incident** – an event that causes or could cause harm (illness, injury or damage) to persons, plant, material or the environment. Incident includes a ‘near miss’, that is an event that caused no harm or damage but had the potential to do so.

In this policy the term ‘incident’ is used to refer to both ‘accident’ or ‘incident’.

**Hazard** – a situation that has the potential to harm a person, the environment or damage property.

The Qld Work Health and safety legislation defines the following terms:

**Notifiable Incident; Serious Injury or Illness; and Dangerous Incident.**

(For definitions of these terms see ‘Legislation’ section following.)

## LEGISLATION

Work Health & Safety Act 2011 (Part 3):

### Incident notification

S 35 What is a *notifiable incident*

In this Act, **notifiable incident** means:

- (a) the death of a person; or
- (b) a serious injury or illness of a person; or
- (c) a dangerous incident.

S 36 What is a *serious injury or illness*

- means an injury or illness requiring the person to have:

- (a) immediate treatment as an in-patient in a hospital; or
- (b) immediate treatment for:
  - (i) the amputation of any part of his or her body; or
  - (ii) a serious head injury; or
  - (iii) a serious eye injury; or
  - (iv) a serious burn; or
  - (v) the separation of his or her skin from an underlying tissue (such as degloving

or scalping); or

- (vi) a spinal injury; or
- (vii) the loss of a bodily function; or
- (viii) serious lacerations; or
- (c) medical treatment within 48 hours of exposure to a substance,

S 37 What is a *dangerous incident*

- includes:

an uncontrolled escape, spillage or leakage of a substance, explosion, fire, electric shock, the fall or release from a height of any plant, substance or thing, the collapse or partial collapse of a structure.

S 38 Duty to notify of notifiable incidents

- A person who conducts a business or undertaking must ensure that the regulator is notified immediately after becoming aware that a notifiable incident has occurred. [eg by phone + await advice from Inspector within 48 hours if written report required and if incident site can be released].

- The notice must be given: by phone or in writing or eg by fax, email or online.

S 39 Duty to preserve incident sites

The person with management or control of a workplace at which a notifiable incident has occurred must ensure so far as is reasonably practicable, that the site where the incident occurred is not disturbed until an inspector arrives at the site or any earlier time that an inspector directs.

## 4.0 REFERENCES

Work Health and Safety Act 2011

Work Health and Safety Regulation 2011

Workers' Compensation and Rehabilitation Act 2003

Workers' Compensation and Rehabilitation Regulation 2003

## 5.0 RELATED POLICIES

Risk Management Policy  
First Aid Policy  
Emergency Procedures Policy  
Workplace Rehabilitation Policy

## 6.0 ROLES AND RESPONSIBILITIES

**Supervisors (HODs / Coordinators)** are responsible for:  
implementing this procedure in their area of responsibility and accountability  
investigating and reporting incidents in their area of responsibility and accountability,  
immediate notification to the Regulator of 'notifiable incidents'  
the prompt completion of incident report using the College – Incident Report Form  
consulting with other staff and the H&S Office in relation to measures to prevent recurrence  
of incidents and the rectification of hazards  
implementing appropriate risk control measures identified to prevent recurrence of  
incidents.

**Employees** are responsible for:  
not placing themselves or others at risk of injury  
reporting incidents to their Supervisor and WHSA as soon as possible after the event  
participating in the development of appropriate risk control measures to prevent recurrence  
of incidents  
using control measures as required and any other action taken, which is designed to protect  
health and safety.

**Health and Safety Advisor /Representatives** are responsible for:  
participating in the investigation of incidents and assisting with the development of  
measures to prevent recurrence of incidents.

## 7.0 PROCEDURE

All incidents must be investigated and reported on the College 'Incident Report Form'.  
The same form is used for incidents relating to staff, students and visitors – or for incidents  
where persons are not involved. A copy is included in the Forms section.

Incidents must be recorded and investigated as soon as possible after the occurrence and  
the completed Incident Report Form forwarded promptly to the Health and Safety Office (or  
emailed to the WHSA).

Incidents resulting in lost time injury for staff may also require the completion of a Workers  
Compensation Claim Form – available from the Personnel Manager or WHSA.

The Incident Report Form contains a section for incident investigation and recommended corrective measures. For in-depth investigations the College Incident Investigation Report form may be used (see Forms section).

It is important that where applicable, corrective actions required are followed through and reviewed for effectiveness.

The keeping of an Incident Register enables the tabulation and statistical analysis of incidents to determine trends and identify problematic situations.

Where any person/s are injured the “Accident Procedure” must be followed.

### **Accident Procedure**

**Definitions:** The term “accident” is used in this section to indicate an incident where personal injury has occurred and the injury requires other than minor first aid (such as bandaid for superficial skin injury, abrasion).

For “life-threatening / non-minor /serious injury or illness” refer NOTES below.

### **In the event of an accident:**

1. Verify the nature and extent of the emergency without delay. (If a student is first aware of the accident, student should advise the nearest staff member).
2. (If relevant) make sure it is safe to approach the victim.  
(eg. if source is electrical, the victim may still be in contact with a live source).
3. (If relevant) remove or isolate the danger if this is possible without sustaining injury.  
(eg. switch off electrical appliance at the power point).
4. If life-threatening<sup>1</sup> injury, call Ambulance immediately from accident site.<sup>1</sup> (refer NOTES)
5. Apply basic first aid - if trained to do so.
6. If accident is on College site, contact Health Room staff (N Block) - send student or staff member, or phone office – School Nurse (Heather Valse) EXT 747.
7. If injury is considered “life-threatening”, patient should not be moved – await the Ambulance.  
(Likewise if patient has a suspected spinal injury).  
Parents should always be notified of any head injury.
8. If accident is **not** on College site (eg at a sporting venue) call ambulance if required and/or contact the Principal for further instructions. Ensure Parents are contacted immediately (for advice and notification of injury). Parents should always be notified of any head injury.

If available an appropriate adult or student should accompany victim in ambulance.

9. Only if safe to do so, victim may be moved to the Health Room.

10. Health Room staff should contact Parents /Caregivers for advice and notification of injury.

11. Reassure victim and await arrival of the Ambulance, if called.

12. Ensure Incident Report Form and Accident Investigation is completed.

13. Ensure subsequent follow-up with injured student / parents (Office staff will assist).

**NOTES:**

<sup>1</sup> Examples of 'life-threatening' would be severe bleeding, absence of pulse, severe head injury.

If injury is 'life-threatening', an ambulance should be called immediately **from the accident scene** if a phone is available. If this occurs the Front Office should then be notified – to avoid duplicating call.

<sup>2</sup> Serious Injury or Illness:

- means an injury or illness requiring the person to have:

- (a) immediate treatment as an in-patient in a hospital; or
- (b) immediate treatment for:
  - (i) the amputation of any part of his or her body; or
  - (ii) a serious head injury; or
  - (iii) a serious eye injury; or
  - (iv) a serious burn; or
  - (v) the separation of his or her skin from an underlying tissue (such as degloving or scalping); or
  - (vi) a spinal injury; or
  - (vii) the loss of a bodily function; or
  - (viii) serious lacerations; or
- (c) medical treatment within 48 hours of exposure to a substance,

<sup>3</sup> NB: A "serious injury" must be notified immediately to the WHS Dept, and the College WHS Office (L Heazlewood ph 0409486938).

For a 'serious injury' the accident scene must not be disturbed until permission is given by the WHS Inspector.

<sup>4</sup> When calling ambulance for an injured student or staff member, it is desirable to have the victim's personal details displayed on computer screen (via 'PCSchool') where available.

## 7.1 Forms

1. Incident Report Form (refer Intranet/ iLearn – or hard copy version)

2. Incident Investigation Report Form (refer Intranet/ iLearn – or hard copy version)

# 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:

- a) providing confidential, professional and caring support for staff and students in crisis and in need of advice on personal, academic and professional matters
- 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' school work 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
- j) reporting and recording the incident and evaluating the effectiveness of the 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

## 5.1 Critical Incident Procedure

### Critical Incident Procedure

The order of these actions may be adjusted according to the needs of particular situations.

1. Activate specific emergency plan – for type of critical incident.
2. Make contact with other authorities as relevant, eg ambulance, emergency services, police, medical practitioners or hospital. Depending on the circumstances, this may include arranging grief counselling support.
3. Get accurate information about the accident/incident, illness or other situation.
4. Establish communication with staff and the College Executive. The provision of accurate information can prevent misapprehension and misinformation from circulating, and can avert the need for repeated explanations. If need be, activate the crisis management team.
5. Establish communication with students, parents and the school community, as required. Difficult communications are best made in person, rather than in writing, and a consistent manner of dealing with students needs to be decided upon. It may be advisable to make announcements to the whole school, or to a particular year or class. A telephone tree may be used to contact people who should be informed, and it may be useful to provide office staff with suitable wording with which to respond to inquiries.
6. Allocate responsibility for handling media inquiries, if needed, (via College Executive).
7. Encourage staff to identify stressed or anguished persons who may be in need of support or counselling. A range of responses may be appropriate here, depending on the situation.
8. Decide on matters such as ceremonies or attendance at funerals. The school may choose to organise a brief ceremony to recognise the contribution of someone who has died. Special arrangements may be needed if it is decided that all staff should be free to attend a funeral. Notices may also need to be placed in newspapers on behalf of staff and students.
9. Debrief the crisis team and others affected by the incident or situation.
10. Establish a plan for longer term monitoring of staff or students who may have been adversely affected.
11. Report and record the incident, and evaluate the effectiveness of the program.

## 5.2 Emergency Management Record

<b>EMERGENCY MANAGEMENT RECORD</b>		
<b>CRISIS MANAGEMENT TEAM</b>		
<u>Meeting frequency:</u> As required / and at least annually.		
<u>Meeting Date/s:</u> (Refer hard copies –Management & Pastoral Meetings)		
<b>COORDINATION &amp; LIAISON RESPONSIBILITIES</b>		
<b>Responsibility</b>	<b>Name(s)</b>	<b>Contact number(s)</b>
Incident coordination	P Valese / Deputy / HOSS	Ext 728, 726, 727
Warden coordination	John Lacey	Ext 761, 0407003328
Media contact	Rol Heazlewood / P Valese	Ext 701, 728
Telephone/switchboard (Communications)	R. Ware / B. Heazlewood	Ext 721, 700
Medical	H. Valese / Dr.M.Heazlewood	Ext 747 / 32042888
Staff liaison	P Valese / Deputy / HOSS	
Student liaison	"	
Parent liaison	"	
Counselling coordination	Pastoral Care Team: <i>Paul, Ben Liz Darren,</i> <i>Liz, Heather, Jess</i> <i>Alan Kregenbrink</i>	Ext 728, 726, 727 Ext 741, 747 Ext 739, 750, 748
Debriefing program	P Valese / Deputy / HOSS	
Report preparation	P Valese / Deputy / HOSS L. Heazlewood (0409 486 938) / X752	

### 5.3 Crisis Care and Counselling Checklist

<b>Mueller College Crisis Care &amp; Counselling Checklist</b>		
<b>All questions are to be answered</b>	<b>Yes</b>	<b>No</b>
<b><i>General counselling</i></b>		
Are staff aware of mandatory reporting requirements?		
Have staff been informed of ways of recognising students and other staff in need of support?		
Do staff know to whom and where to refer students and staff in need?		
Are the facilities for counselling students adequate for the provision of professional support?		
Are recent and relevant resources about personal and academic advice available to staff and students?		
Is the school community aware of and supportive of the need for confidentiality when dealing with student information?		
<b><i>Crisis care</i></b>		
Has the school organised a crisis management team?		
Have staff been nominated for particular roles in dealing with specific crises, including the provision of or referral to counselling services as needed?		
Have links been made with appropriate community personnel with respect to crisis management and the provision of counselling?		
Has a crisis manual been developed for dealing with school crises, including follow up care after the incident is over? (eg Emergency Procedures policy)		
Are recording, monitoring and reviewing systems in place for the management of crises in the school, including follow up care?		