Transfer of Provider Policy

1. Purpose

The purpose of this policy is to ensure that overseas students wishing to transfer between registered training providers do so in accordance with The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 7.

This policy and the related procedure provide a documented process for assessing requests for the Transfer of Provider. By following this policy and procedure, Omni College safeguards against knowingly enrolling an overseas student prior to them first completing at least six months of their principal course, except for those meeting specified criteria and in certain circumstances as detailed herein.

2. Scope

This policy outlines the circumstances in which Omni College will assess Transfer of Provider requests in accordance with the National Code. Omni College will assess each request on an individual student basis, considering all supporting documentation of the request.

3. Definitions

Incoming Transfer: refers to a student transferring from another institution to this one.

Outgoing Transfer: a student leaving this institution to go to another.

4. Policy Statement

4.1 Incoming Student Transfer

4.1.1 If the student has completed more than six months of their principal course of study, the application process proceeds as for all overseas students.

4.1.2 Where a student has NOT completed six months of their principal course of study, they are informed that they need to provide a letter of release to support of their application.

4.1.3 To support the application, they can be provided with a Conditional Letter of Offer which clearly states that an offer of a place is subject to the condition that they acquire a letter of release.

4.1.4 If no satisfactory letter of release is obtained from, the application process is discontinued and the student informed that they are unable to transfer at this time. The student is to be informed that they may reactivate their application when the 6-month period has passed.

4.1.5 The Student Management System (SMS) tool is to be updated with details of the student, transfer application and outcome.

4.1.6 In event that the student cannot continue with their course of study due to the original course or institution ceasing to be registered, or because of sanctions placed on the original institution by the regulators, no letter of release is required. Evidence of this occurrence would need to be placed in the student file.

4.2 Omni College, as the receiving registered provider must not knowingly enrol any student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study except where:

a) the releasing registered provider has agreed to the overseas student's release and recorded the date of effect and reason for release in PRISMS.

b) the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered.

c) the original registered provider has provided a written letter of release.

d) the original registered provider has had a sanction imposed on its registration by the ASQA as the ESOS Agent, that prevents the student from continuing studies, or

e) any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

4.3 Outgoing Student Transfer

4.3.1 Students wishing to transfer to another provider must first complete a Transfer of Provider Request Form, along with any supporting documentation. The form can be accessed at Home - Omni College. Once the form is filled out, it should be sent to contact@omni.edu.au

4.3.2 All requests will be assessed individually, considering the circumstances of the student and if the transfer will be in the best interest of the student.

4.3.3 All requests will be processed within 10 working days from the date of submission, with a Letter of Release or Letter of Refusal being provided.

4.3.4 Notwithstanding the outcome, the student has 20 days to access Omni College's Complaint and Appeals process.

4.3.5 All documentation (requests, considerations, decisions, and copies of letters of release) should be placed on student's file.

4.3.6 The details of the application to transfer, including the outcome of the application, shall be entered into the SMS tool.

4.3.7 The approval of transfer of a student to another institution does not indicate the agreement to provide any refund. Refunds are governed by the refund policy independent of this policy.

4.4 Circumstances in which a Transfer of Provider Request will be granted

4.4.1 Omni College will consider a Transfer of Provider Request and grant a Letter of Release under the following circumstances:

a) Compassionate or compelling circumstances,

b) The provider and the course better meet the student's academic capabilities and requirements,

c) Omni College has ceased to be registered or the course in which the student is enrolled has been cancelled or ceased to be registered, or the course is not delivered as outlined in the written agreement by fault of Omni College as the provider,

d) There is evidence that the overseas student's reasonable expectations about their current course are not being met,

e) There is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives,

f) An appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student,

g) Omni College has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course, or

h) Any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change,

i) Exceptional circumstances (documentation required to support circumstances and a letter of offer from another provider is required.),

j) Special circumstances in which the Omni College may consent to the transfer request because transfer is in a student's best interests, including but not limited to our having assessed that:

   a. even after engaging with our intervention strategy to assist the overseas student in accordance with Standard 8 (refer to Overseas Student Intervention Strategy Policy) the student will be reported because they are not able to achieve satisfactory course progress at the level they are studying.

   b. a reasonable timeframe for assessing and replying to the overseas student's transfer request having regard to the restriction period.

4.4.2 In addition to the above, the National Code states, that Omni College must grant a Letter of Release only where the student has:

a) provided a letter from another registered provider confirming that a valid enrolment offer has been made, and

b) where the student is under 18;

c) The registered provider has written confirmation that the student's parent or legal guardian supports the transfer, and

d) Where the student is not being cared for in Australia by a parent or suitable nominated relative, the valid enrolment offer also confirms that the registered provider will accept that responsibility for approving the student's accommodation, support, and general welfare arrangements as per Standard 5 (Younger students).

4.4.3 If a Letter of Release is granted, then this will be issued at NO cost to the student.

4.4.4 Students should also be informed that they are to contact Australian Department of Home Affairs to seek advice on whether a new Student VISA is required.

4.5 Circumstances in which a Transfer of Provider Request will NOT be granted

4.5.1 Omni College will not grant a Letter of Release under the following circumstances:

a) The request is within six months of commencement of the principal program with Omni College,

b) The student does not have a valid Letter of Offer from the receiving provider,

c) The student has financial difficulties or outstanding payments for Omni College services,

d) Where Omni College does not agree that the transfer is in the students' best interest or academic capabilities,

e) The new course provider is not a CRICOS provider.

4.5.2 In the instance of a refusal of transfer Omni College will issue a Letter of Refusal to Transfer to the student, stating the reason or reasons for refusal and inform the student of their right to appeal this decision. Omni College Will provide the student with access to the Complaints and Appeals process in accordance with Standard 10 (see Complaints and Appeals Policy and Procedures), within 20 working days.

4.6 Finalising Outgoing Student Transfer Requests

4.6.1 The registered provider must not finalise the student's refusal status in PRISMS until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20-working day period, or the overseas student withdraws from the process.

4.6.2 The registered provider must maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.

5. Responsibilities

The responsibilities of staff are as below at Omni College:

Role within RTO	Area of responsibility
CEO	Approval Authority
Compliance Coordinator/ Training Manager	Development/Review
Administration Manager	Monitoring and Evaluation
Student Support Officer(s)	Compliance, Implementation

5.1 It is the responsibility of Student Services to receive and process requests for transfer. Requests for transfer may only be granted with the approval of CEO.

5.2 It is the responsibility of the Student Support Officer to advise students wishing to transfer to/from other registered providers, on the requirements of obtaining a letter of release. Where necessary Student Support Officer(s) will assess outgoing transfer applications checking the following:

- Ensure any outstanding fees are paid.
- Ensure the student is fully aware of all issues relating the transferring of providers.
- Check student records to ensure the student is not trying to avoid being reported to the appropriate government agency(s) due to lack of course progress or poor attendance records.

5.3 Administration Manager shall issue a Letter of Refusal to Transfer to the student where transfer request being has been denied, stating the reason or reasons for refusal.

5.4 In the instance of a refusal of transfer, Omni College will also inform the student of their right to appeal this decision and provide the student with access to our appeals and complaints process.

5.5 When the transfer request is granted, Student Support Officer(s) will notify the Admissions Officer to generate a Letter of Release to be granted at no charge to the student.

5.6 The admissions officer will send out a Letter of Release to the student, also the student will be advised of the need to contact Australian Department of Home Affairs and obtain a new visa if the course they transfer to is not a Higher Education or VET course.

5.7 Administration Manager must then enter the student's termination of studies via PRISMS to inform the appropriate government bodies.

5.8 It is the responsibility of the Student Support Officer(s) to ensure this policy and the corresponding procedure are available to all staff.

5.9 It is the responsibility of the Administration Manager to ensure this policy and the corresponding procedure are available to all overseas students and prospective students.

6. Related Legislation and Regulations

The related legislation and regulations of Transfer of Provider Policy are as below at Omni College:

- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 7
- Standards for Registered Training Organisations (RTOs) 2025
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students Act 2000.

7. Related Policies, Procedures and Documents

The related documents and forms of Transfer of Provider Policy are as below at Omni College:

- Transfer of Provider Procedures
- SMS Tool
- Transfer of Provider Request Form
- Complaints & Appeals Policy
- Complaints & Appeals Procedure
- Formalisation of Enrolment and Written Agreement Policy
- Conditional Letter of Offer
- Letter of Offer and Acceptance
- Letter of Refusal to Transfer
- Letter of Release.