

## Re-Crediting a Student Loan Procedure

### 1.0 Purpose

Bendigo Kangan Institute (BKI or the Institute) will conduct this procedure in compliance with the *Higher Education Support Act 2003* (Cth) and the Vocational Education and Training (VET) Provider Guidelines. For the purposes of this procedure a student loan is either VET FEE-HELP or VET Student Loan (VSL).

### 2.0 Scope

This procedure is to be used by staff considering re-crediting for students enrolled in a VET Student Loan approved course who have incurred a VET Student Loan (VETSL) debt and are requesting to have their VETSL debt re-credited.

### 3.0 Policy Reference

Fees, Charges and Refunds Policy

### 4.0 Procedural Steps

| No.        | Phases and steps   | Name of role who actions |
|------------|--|--------------------------|
| <b>4.1</b> | <b>Re-crediting a student's VETSL debt</b>   |                          |
|            | If a student withdraws from a unit of study after the census date or has been unable to successfully complete a unit of study and believes this was due to special circumstances, the student may apply to have their student loan balance re-credited for the affected units. In doing so, a student should provide information that supports their application. Special circumstances are as defined under clause 4.1.5 of this procedure.                             | Student                  |
|            | The application must be in writing within 12 months after the census date (BKI may exercise its discretion to extend this requirement if the student can demonstrate that it was not possible for the application to be made before the end of the 12-month period). BKI's Student Services can also support a student to make an application in writing.<br><br>Initial applications for the re-crediting of a student loan balance are to be made, in writing, to the: | Student                  |

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|       | VET Student Loan<br>Administrator Kangan<br>Institute of TAFE Private Bag<br>299<br>Somerton 3062   |                                |
|-------|---|--------------------------------|
| No.   | Phases and steps  | Name of role who actions       |
| 4.1.4 | <p>Applications will be determined on their merits by considering a student's claim together with any independent supporting documentation substantiating the claim.</p> <p>BKI will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case.</p>  | Vet Student Loan Administrator |
| 4.1.5 | <p>BKI will re-credit the student's VETSL debt/balance if satisfied that special circumstances have occurred.</p> <p>Special circumstances are those that;</p> <ul style="list-style-type: none"> <li>• are beyond the student's control, and</li> <li>• did not make their full impact on the student until on or after the census date for the VET unit(s) of study in question, and</li> <li>• make it impractical for the student to complete the requirements for the VET unit(s) of study in question.</li> </ul> <p>BKI will be satisfied the student's circumstances are beyond the students control if a situation occurs that a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the student is not responsible.</p> <p>The situation must be unusual, uncommon, or abnormal.</p> | Vet Student Loan Administrator |
| 4.1.6 | <p>The Institute will advise the student of the outcome of the application within 28 days stating the reasons for the decision.</p> <p>If the student is not satisfied with the decision the Institute will advise the student of their rights for a review.</p>  | Federal Reporting Team         |
| 4.1.7 | <p>If a decision is made to re-credit the student's VETSL debt, the Federal Reporting Team will notify the Department of Education of this.</p>   | Federal Reporting Team         |

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|            |   |                                     |
|------------|---|-------------------------------------|
| 4.1.8      | The Institute will re-credit the student's VETSL debt by removing any units of study with accompanying debts reported in Tertiary Collection of Student Information (TCSI).   | Federal Reporting Team              |
| 4.1.9 No.  | The Institute will repay to the Commonwealth any student loan<br>Phases and steps   | Finance<br>Name of role who actions |
| <b>4.2</b> | <b>Secretary may recredit loan</b>  |                                     |
| 4.2.1      | A student may apply directly to the Secretary of the Commonwealth Department of Employment and Workplace Relations to have all or part of their FEE-HELP loan recredited under section 71 of the <i>VET Student Loans Act 2016</i> (Cth) if they believe that: <ul style="list-style-type: none"> <li>a) BKI or a person acting on behalf of BKI engaged in unacceptable conduct in relation to the student's application for the VET Student loan; or</li> <li>b) BKI has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.</li> </ul>  | Student                             |
| 4.2.1      | An application under section 71 of the Act must be lodged with the Secretary within five years of the census date of the course, or part of the course, or any extended period as determined by the Secretary.  | Student                             |
| 4.2.2      | The Secretary will review applications and may re-credit the student's FEE-HELP loan balance if it is determined that: <ul style="list-style-type: none"> <li>a) BKI or a person acting on behalf of BKI engaged in unacceptable conduct in relation to the student's application for the VET Student loan; or</li> <li>b) BKI has failed to comply with the Act or an instrument under the Act and the failure has adversely affected the student.</li> <li>c) BKI is unable to act or is being wound up or has dissolved; or</li> <li>d) BKI has failed to act, and the Secretary is satisfied that the failure is unreasonable.</li> </ul> | Secretary                           |
| 4.2.3      | In the event that BKI ceases to provide a course, closes down or is being wound up (ie closure caused by inability to pay debt or collapse), BKI will: <ul style="list-style-type: none"> <li>• Notify students within two business days that the course is no longer being provided.</li> <li>• Within seven days of the notification of students, hold a meeting with students and the tuition assurance scheme operator to ensure students are appropriately informed and protected.</li> <li>• Update the website as soon as practicable to reflect the change in circumstances.</li> </ul>   | Registrar<br>Federal Reporting Team |

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|--|--|--|
|  | <ul style="list-style-type: none"><li>• Re-credit the student's FEE-HELP balance or exercise all reasonable steps necessary to facilitate the re-crediting.</li></ul> <p>Alternatively, the Victorian Government and/or appointed administrator will take action in accordance with applicable laws.</p> |  |
|--|--|--|

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| No.        | Phases and steps   | Name of role who actions |
|------------|--|--------------------------|
| <b>4.3</b> | <b>Review of a decision</b>  |                          |
| 4.3.1      | If a student is not satisfied with the decision made by the VET Student Loan Administrator in relation to re-crediting their student loan balance, they may request a review of the decision through the Feedback Procedure (Compliments and Complaints). There will be no fees incurred for requesting a review.  | Student                  |
| 4.3.2      | Requests for review must be, <ul style="list-style-type: none"> <li>• Lodged within 28 days of receiving notice of the original decision (unless the review officer allows a longer period); and</li> <li>• Must specify the reasons for making the request.</li> </ul>  | Student                  |
| 4.3.3      | If a student is unsatisfied with the reviewed decision, they may apply to the <a href="#">Administrative Appeals Tribunal</a> under section 80 of the <i>VET Student Loans Act 2016</i> (Cth) for consideration of BKI's decision to refuse to re-credit their Student Loan balance.<br>The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to BKI either in the original application or the request for review. | Student                  |
| <b>4.4</b> | <b>Publication</b>   |                          |
| 4.4.1      | This procedure will be published on the Institute's website ( <a href="http://www.kangan.edu.au">www.kangan.edu.au</a> and <a href="http://www.bendigotafe.edu.au">www.bendigotafe.edu.au</a> ).   | Registrar                |

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### 5.0 Roles and Responsibilities

| Role                            | Responsibilities   |
|---------------------------------|--|
| Registrar                       | <ul style="list-style-type: none"> <li>Development and implementation of appropriate procedures and practices.</li> <li>To review all evidence presented to them and make an informed decision.</li> </ul> |
| VET Student Loans Administrator | <ul style="list-style-type: none"> <li>To review all evidence presented to them and make an informed decision.</li> <li>Notify DEWR of decision made to the student VETSL debt.</li> </ul>                 |
| Federal Reporting Team          | <ul style="list-style-type: none"> <li>To review all evidence presented to them and make an informed decision.</li> <li>Notify DEWR of intentions.</li> </ul>  |
| Student                         | To follow the Institutes processes and procedures, adhering to specified timeframes.   |

### 6.0 Definitions

| Word/Term        | Definition   |
|------------------|--|
| Secretary        | The Department of Employment and Workplace Relations Secretary   |
| VET Student Loan | A loan scheme that assists eligible full fee paying students studying an approved vocational education and training qualification to pay for their tuition fees. |
| DEWR             | The Department of Employment and Workplace Relations   |
| VETSL            | VET Student Loans  |

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### 7.0 Related Documents

| Document Name                                   |
|---|
| Fees, Charges and Refund Policy                 |
| VET Student Loan Entry Procedure                |
| VET Student Loans – eCAF Obligations Procedure  |
| Feedback Procedure (Compliments and Complaints) |

### 8.0 Version Control and Change History

| Ver. | Issue Date  | Document Custodian | Description of Change  | Approval Authority                      |
|------|-------------|--------------------|--|---|
| 1.0  | 16 Feb 2009 |                    |  |   |
| 1.1  | 14 Mar 2018 |                    | Replacement of references to VET FEE-HELP with VET Student Loans                             | ED of AG&Q&R                            |
| 1.2  | 12 Dec 2018 |                    | Re-worked Process flow, updated roles, added new procedures, and included swimlane flowchart | Registrar, Student Administration       |
| 1.3  | 24 Oct 2022 | Registrar          | Scope reviewed and updated. Roles and Responsibilities updated.                              | Head of Governance, Risk and Compliance |

### 10.0 Document Custodian and Approval Authority

| Document Custodian | Approval Authority                   | Approval Date | Issue Date  | Scheduled Review Date |
|--------------------|--------------------------------------|---------------|-------------|-----------------------|
| Registrar          | Chief Governance and Quality Officer | 12 Oct 2022   | 24 Oct 2022 | 02/01/2023            |

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