



**AUSTRALIAN INSTITUTE**  
OF HIGHER EDUCATION

## **ESOS Compliance Framework Policy**

### **Category: Administration (ADM)**

#### **1. Purpose**

The Commonwealth has put in place a regulatory framework which establishes the minimum requirements for education programs delivered to international students including the Education Services for Overseas Students Act 2000 (ESOS Act), the Education Services for Overseas Students Regulations 2001 (ESOS Regulations) and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code).

The purpose of this Policy is to describe how the Australian Institute of Higher Education Pty Ltd (“the Institution”) will comply with this legislative framework.

#### **2. Commitment to compliance**

The Institution is committed to achieving full compliance with ESOS legislative requirements. To support compliance the Institution will:

- inform International students clearly and in a timely manner their rights and responsibilities arising under ESOS;
- ensure staff are aware of the Institution’s ESOS obligations and how this affects their roles and their interactions with International students;
- maintain a suite of policies and procedures that clearly explain the rights and responsibilities of international students in the context of the ESOS compliance framework;
- ensure that courses offered to international students are taught by qualified lecturers in appropriate facilities according to the lecturing and assessment schedule applicable to international students;
- provide appropriate support services to meet the needs of international students;
- ensure that all relevant information related to international students is entered into PRISMS in a timely manner;
- keep the relevant government agencies up-to-date with any notifiable changes.

The Chief Executive Officer will undertake the role of the ESOS Compliance Manager and is charged with the primary responsibility for coordinating and overseeing ESOS compliance.

#### **3. Changes to the Institution’s ownership or management**

In compliance with Standard 15 of the National Code, the Institution will proactively inform the relevant government agencies of prospective changes to the Institution’s ownership and/or management. For the purposes of this policy the relevant government agency is the Higher Education Directorate, NSW Department of Education and Training.

The Chief Executive Officer will advise the Higher Education Directorate, NSW Department of Education and Training in writing of:

- any prospective changes to the ownership of the Institution as soon as practicable prior to the change taking effect; and

- any prospective or actual change to the high managerial agents of the Institution as soon as practicable prior to the change taking effect, or within 10 working days of the change taking effect where the change cannot be determined until it takes effect, so that the relevant government agency can make an assessment that the new high managerial agent(s) are “fit and proper” persons.

In determining whether a person is a high managerial agent of the Institution the check list below can be used as a guide.

High managerial agents may be responsible for:

- the operations of the Institution at a senior level;
- determining, approving and overseeing the implementation of high level policies in relation to International students;
- making business decisions and setting the direction of the Institution in relation to international education activities;
- representing the Institution, with the authority to speak on behalf of the Institution and to sign high level agreements on the Institution’s behalf;

If the Chief Executive Officer is uncertain about who might be considered a high managerial agent, they should contact the Higher Education Directorate, NSW Department of Education and Training for further assistance.

#### **4. Relocation of the Institution’s premises**

In compliance with Standard 14.3 of the National Code, the Institution will notify the Higher Education Directorate, NSW Department of Education and Training and enrolled students of any intention to relocate premises at least 20 working days before the relocation.

If the Institution intends to relocate premises the Chief Executive Officer will advise all enrolled students and the Higher Education Directorate, NSW Department of Education and Training in writing as soon as practicable, but no later than 20 working days, before the relocation.

#### **5. Staff obligations**

All of the Institution’s staff have a responsibility to ensure that their activities on behalf of the Institution, and those of their colleagues, comply with the ESOS regulatory framework. All staff are required to:

- comply with all relevant ESOS legislation;
- familiarise themselves with the Institute’s policies and procedures relating to international students that affect their workplace and activities;
- report perceived breaches or weaknesses of the Institute’s ESOS compliance.

All staff will be inducted prior to commencement of their employment with the Institution. Staff induction will include a session on staff responsibilities in regards to the ESOS regulatory framework.

Staff will be reminded of their obligations in relation to International students in professional development sessions and staff meetings, where appropriate. Staff will also be kept up-to-date with any changes in relation to the ESOS regulatory framework which may affect their duties.

Any staff member who perceives a breach or weakness in the Institution’s ESOS compliance should contact the Chief Executive Officer. The Chief Executive Officer will ensure that the issue is dealt with as an opportunity for continuous improvement and the staff member’s concern will be noted and monitored through the Institution’s continuous improvement system.

#### **6. Staffing, facilities and resources**

In compliance with Standard 14.1 and 14.2 of the National Code, the Institution will ensure that adequate staffing, facilities and education resources are provided for international students in accordance with the National Guidelines for Higher Education Approval Process and National Protocols for Higher Education Approval Process.

## 6.1 Delivery of Course/Units and Assessment Strategy

In compliance with the National Guidelines for Higher Education Approval Process and National Protocols for Higher Education Approval Process, the Institution will maintain documentation for each course, which outlines, among other things:

- course structure;
- course entry requirements;
- delivery mode and delivery schedule;
- lecturers available to deliver the course;
- assessment arrangements;
- facilities and resources required to deliver the course.

The Executive Dean, Teaching & Learning Committee and Course Advisory Committees will review the unit outlines for any courses approved for delivery to International students (i.e. listed on CRICOS) to ensure that facilities and resources utilised by the Institution are adequate to facilitate the successful delivery of those courses to International students.

Where the Chief Executive Officer and Executive Dean determine that additional facilities or resources are required they will report the matter through the appropriate lines of communication and authority of the Institution for action.

## 6.2 Staff

In compliance with the National Protocols for Higher Education Approval Process and the National Guidelines for Higher Education Approval Process, the Institution will maintain a cohort of qualified lecturers to facilitate the successful delivery of its CRICOS approved courses to International students.

## 6.3 Learning resources

The Institution will acquire, preserve and provide access to a wide range of learning resources including library materials that are relevant to both the learning needs and scholarly endeavours of all students and staff.

## 6.4 Review of facilities and resources

As part of its continuous improvement process, the Institution will keep under review the efficacy of its facilities and resources to ensure their adequacy to facilitate the successful delivery of its courses to International students.

## 7. PRISMS

For the purposes of meeting the Institution's obligations for reporting to DEEWR<sup>[1]</sup>/DIAC<sup>[2]</sup> through the PRISMS<sup>[3]</sup> system the PRISMS Reporting Officer will be the Supervisor of Admissions/Student Services.

In order to access PRISMS the Institution's PEO, who is authorised in this regard, will arrange the necessary access for the Supervisor of Admissions/Student Services. The Supervisor of Admission/Student Services will also be supplied with a copy of the PRISMS Provider User Guide.

### 7.1 Enrolling Students

The Supervisor of Admission/Student Services must create and authorise an eCoE within 14 days of a student from overseas enrolling in a course. This applies to students enrolling from offshore or onshore including students who will have to apply for a student visa, or those who already hold one.

Information to be entered into PRISMS for a student includes:

- their full name, gender, date of birth, nationality, country of birth;
- amount of money paid before confirmation of enrolment;
- whether premiums have been paid for health insurance (OSHC);
- an estimate of the total amount the student is required to pay to undertake the course;

- the number of the visa if the student holds an Australian visa;
- the office where the student's application for a student visa was made or is expected to be made;
- the student's passport number if the student was in Australia when he/she became an accepted student;
- the CRICOS course code;
- any English language proficiency test undertaken and the score achieved;
- the course starting date;
- the day the accepted student is expected to complete the course.

Entering this data results in an eCoE being created for the student.

The Supervisor of Admission/Student Services should refer to the PRISMS Provider User Guide for detailed instructions on how to create eCoEs for newly enrolling and currently enrolled International students.

## 7.2 Notifications regarding breaches of student visa conditions

7.2.1 The Supervisor of Admission/Student Services is required to notify to DEEWR/DIAC, via PRISMS, within 14 days if an International Student does not commence their course on the expected date. This includes where a student simply does not turn up, or has not arranged with the provider for a later start because of health or compassionate reasons (Refer *International Student Deferment, Suspension and Cancellation of Study Policy and Procedure*).

Prescribed information about an accepted student who does not commence on the nominated date, must include:

- the student's full name, gender, date of birth, country of birth and nationality;
- the CRICOS course code;
- the agreed starting day and day when the course was expected to be completed;
- the office where the student's application for a student visa was made;
- the student's current residential address.

7.2.2 The Supervisor of Admission/Student Services is also required to notify to DEEWR/DIAC, via PRISMS, within 14 days if an International Student:

- Terminates their studies before course completion; or
- Changes their course or its duration; or
- Fails to comply with their visa conditions regarding attendance or satisfactory academic performance.

7.2.3 In the case where an International Student is in breach of a student visa condition related to satisfactory course progression, the Supervisor of Admission/Student Services will notify DEEWR/DIAC as soon as practicable, via PRISMS.

(Refer to AIH Student Progression, Exclusion and Graduation Policy and Procedure)

PRISMS will generate a 'Student Course Variation' (SCV) notification for the Supervisor of Admission/Student Services to print out and send to the student.

The notice of breach will include:

- particulars of the breach;
- state that the student is required to attend before an officer within 28 days in order to explain the breach;
- state that photographic identification is required at the meeting;
- set out the effect of the Sections 137J and 137K of the Migration Act 1958.

The Supervisor of Admission/Student Services should refer to the PRISMS Provider User Guide for detailed instructions on how to make notifications regarding breaches of student visa conditions.

## 8. Version control

<b>Policy Owner:</b>	Chief Executive Officer
<b>Policy Code:</b>	ADM-HE-13
<b>Authorising Body:</b>	AIH Executive Management
<b>Version / Dates:</b>	V1 – 15 July 2009
	V2 – 21 September 2009

- [1] Refers to the Commonwealth Department of Education, Employment and Workplace Relations
- [2] Refers to the Commonwealth Department of Immigration and Citizenship
- [3] Refers to the Provider Registration and International students Management System