

Deferral, Suspension and Cancellation Policy & Procedure

Policy area	ESOS Compliance Framework
Standards	ESOS Act 2000, ESOS Regulations 2019, National Code 2018,
Responsibility	CEO, CRICOS Manager

1. Purpose of the Policy

This policy explains how **Heaton Institute of Technology** manages requests for:

- **Deferral** (before studies begin)
- **Suspension** (after studies begin)
- **Provider-initiated suspension**

The policy ensures compliance with:

- ESOS Act 2000
- ESOS Regulations 2019
- National Code 2018 (Standard 9)

The policy aims to:

- Apply decisions fairly and consistently.
- Protect student welfare and visa compliance.
- Ensure decisions are supported by evidence.
- Maintain accurate PRISMS reporting.
- Provide students with clear communication.
- Protect students' rights to complaints and appeals.
- Maintain proper records and support regulatory audits.

2. Important Definitions

Deferral

A delay to the start of a course **before commencement**.

Suspension

A temporary break from studies **after commencement**.

Student-Initiated Deferral

A student requests to postpone the start of studies because of compassionate or compelling circumstances.

Student-Requested Suspension

A student asks for a temporary break after starting the course due to compassionate or compelling circumstances.

Provider-Initiated Suspension

The college temporarily suspends a student because of:

- Serious misconduct
- Safety concerns
- Other significant risks

Cancellation

Permanent termination of enrolment.

3. Principles Governing Deferral and Suspension

All decisions must be:

- Evidence-based.
- Fair and consistent.
- Properly documented.
- Applied according to the ESOS framework.

The Institute will:

- Protect student welfare and visa integrity.
- Avoid informal arrangements.
- Ensure PRISMS accurately reflects all decisions.

Three pathways exist:

1. Student-initiated deferral (before commencement).
2. Student-requested suspension (after commencement).
3. Provider-initiated suspension.

Each pathway has different requirements.

4. Student-Initiated Deferral (Before Course Commencement)

A student may request a deferral when circumstances prevent them from commencing on time.

Conditions

The request must:

- Be submitted by the student in writing.
- Include reasons and proposed commencement date.
- Be supported by evidence.
- Involve circumstances beyond the student's control.

Examples include:

- Serious illness.
- Family emergencies.
- Other compassionate or compelling circumstances.

The Institute will consider:

- Whether the circumstances were unforeseeable.
- Whether evidence supports the request.
- Whether the student can start later.
- Whether cancellation may be more appropriate.

Important Points

- Deferral applies only before studies commence.
- It is not disciplinary.
- It does not imply wrongdoing.
- Appeal rights are generally not required because the action is student initiated.
- Extended or indefinite deferrals are not permitted.

5. Student-Requested Suspension (After Course Commencement)

Students who have already started studying may apply for a temporary suspension.

Requirements

Requests must:

- Be made in writing.
- Explain the reason.
- Specify the requested duration.
- Include supporting evidence.

Circumstances Must:

- Occur after studies have commenced.
- Significantly affect the student's ability to study.
- Justify a temporary pause rather than withdrawal.

Requests Will NOT Be Approved For:

- Personal preference.
- Employment commitments.
- Financial difficulties alone.
- Dissatisfaction with trainers or timetables.
- Assessment pressure.
- Holidays or travel plans.
- Simply wanting a break.

Suspension Must Be:

- Temporary.
- Time limited.
- Supported by evidence.
- Consistent with visa requirements.

Important Points

Student-requested suspension:

- Is not disciplinary.
- Does not involve misconduct.
- Normally does not require appeal rights.

6. Provider-Initiated Suspension

This occurs when the Institute temporarily suspends a student because continued enrolment is inappropriate.

Possible reasons include:

Serious misconduct

Examples may include:

- Threatening behaviour.
- Violence.
- Serious breaches of rules.

Safety concerns

Where the student or others may be at risk.

Other significant risks

That affect:

- Staff.

- Students.
- The learning environment.

Provider-initiated suspension is **not used for minor matters**.

Natural Justice Requirements

Before making a decision, the Institute must:

1. Inform the student of concerns.
2. Explain reasons for the proposed suspension.
3. Allow the student to respond.
4. Base decisions on evidence.

Students must also be advised that suspension may affect their visa.

Written Notice Must Include

- Grounds for suspension.
- Reasons for the decision.
- Duration of suspension.
- Appeal rights.

Complaints and Appeals

Students have access to:

- Complaints procedures.
- Appeals procedures.

PRISMS reporting will not occur until:

- Appeal rights are exhausted, or
- The appeal period has expired.

7. Difference Between Suspension and Cancellation

<i>Suspension</i>	<i>Cancellation</i>
<i>Temporary</i>	Permanent
<i>Student returns later</i>	Enrolment ends
<i>Student remains enrolled</i>	Student no longer enrolled
<i>Time-limited</i>	Final action
<i>May have visa implications</i>	Significant visa implications

The two actions must never be confused.

Incorrect classification may lead to:

- PRISMS errors.
- Compliance breaches.

8. Confirmation of Enrolment (CoE) and PRISMS Requirements

Every decision must consider whether the student can still complete the course within the current CoE period.

Two outcomes are possible:

Outcome 1

The course end date is unaffected.

- Existing CoE remains valid.

Outcome 2

The student cannot finish within the existing CoE.

- Current CoE is cancelled.
- A replacement CoE may be issued.

PRISMS Requirements

All entries must contain:

- Correct variation type.
- Accurate dates.
- Appropriate reasons.
- Clear comments.

Where appeal rights apply, reporting must wait until the appeal process has concluded.

9. Student Communication and Visa Implications

All decisions must be communicated in writing.

Students must receive:

- Acknowledgement of requests.
- Notification of proposed provider suspension.
- Outcome letters.
- Appeal information (where applicable).

- Return-to-study requirements.
- Information regarding visa implications.

Outcome letters should specify:

- Approval or refusal.
- Effective dates.
- CoE impacts.
- Conditions attached.
- Return-to-study expectations.
- Appeal rights.
- Possible visa consequences.

Communication is the responsibility of the **CRICOS Manager**.

All correspondence must be retained on the student file.

10. Record Keeping and Self-Assurance

The Institute must maintain records showing:

- Grounds for the decision.
- Evidence reviewed.
- Decision rationale.
- Student communications.
- PRISMS actions and outcomes.

Retention Period

Records must be kept for at least:

Two years after the student ceases to be accepted by the Institute.

Records must:

- Be secure.
- Protect confidentiality.
- Be available for audits and reviews.

11. Monitoring and Continuous

Heaton Institute of Technology regularly reviews:

- Applications.
- Decision records.
- PRISMS entries.

Monitoring ensures:

- Correct pathway selection.
- Adequate evidence.
- Proper use of appeal rights.
- Accurate reporting.

Where issues are identified, the Institute may:

- Improve forms.
- Update procedures.
- Clarify guidance.
- Provide staff training.