

Training Manual: ESOS Framework

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Compliance Statement

- The University of New England (UNE) is required to maintain full compliance at all times with the Education Services for Overseas Students Framework and relevant sections of the *Migration Act, 1958* (the Migration Act).
- The ESOS legislative framework comprises:
 - Education Services for Overseas Students (ESOS) Act 2000;
 - Education Services for Overseas Students (ESOS) Regulations 2001;
 - The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007);
 - Education Services for Overseas Students (Registration Charges) Act 1997; and
 - ESOS Assurance Fund Act
- The ESOS laws benefit two particular groups:
 - They protect overseas students coming to Australia on student visas *
 - They set out clear roles and responsibilities for education institutions wishing to teach overseas students.

* ESOS does not cover overseas students on visas other than a student visa, nor does it cover students studying at Australian institutions based in other countries.

- An active compliance program (including newly developed policy, rules, procedures etc) ensures compliance and commitment to compliance across UNE.
- ESOS and associated legislation covers the provision of all delivery and services to international students enrolled at UNE on a student visa, including programs delivered under an arrangement with other Registered Training Providers.
- The International Precinct has the primary responsibility for the development and maintenance of the UNE compliance environment.
- The International Precinct is divided into two Directorates:
 - International Marketing and Pathways (IMP); and
 - English Language and International Services (ELIS).
- Faculties, Schools and Departments, Student Administration and Services, Marketing and Public Affairs, Entrepreneurial Office, Chief Operating Officer, and the International Precinct are responsible for ensuring compliance policies are properly administered and resourced.
- Self accrediting registered providers e.g. Universities, must undertake an independent external audit every five years including a full inspection of premises. The results of audit are to be provided to the designated authority. This is in addition to normal DEST and AUQA audits.
- The Director, IM&P is the University's Principle Executive Officer for reporting purposes relating to ESOS and the ESOS legislative framework, CRICOS and PRISMS's.

Purpose of Briefing

- UNE acknowledges its obligations to “ensure that its staff members who interact directly with students are aware of the registered provider’s obligations under the ESOS framework and the potential implications for students arising from the exercise of these obligations.” (Section D Clause 6.7, National Code 2007)
- This document is designed to provide information for:
 - existing staff members wanting to refresh their knowledge of the ESOS Act and the National Code;
 - new staff members unfamiliar with the requirements of the Act and the National Code; and
 - staff of UNE’s domestic providers.

The ESOS Framework

- The ESOS Act and relevant Acts and Regulations set out the legal framework governing delivery of education to overseas students studying in Australia on a student visa.
- The Australian Government, through the Department of Education Science and Training (DEST) administers the ESOS Act and its associated instruments.
- The ESOS Act and ESOS (Registration Charges) Act were amended with effect from 1 July 2007.

The Education Services for Overseas Students (ESOS) Act 2000 (as amended in 2007) encompasses:

- Registration process;
- Obligations of registered providers;
- ESOS Assurance Fund; and
- Enforcement and compliance powers.

Education Services for Overseas Students (ESOS) Regulations 2001 encompasses:

- Student details that providers must record;
- Amounts the provider can deduct when refunding student’s fees;
- When a provider will be served an infringement notice; and
- Operation of Tuition Assurance Schemes.

Education Services for Overseas Students (Registration Charges) Act 1997 (as amended in 2007) obliges registered providers to pay an annual fee to remain registration on CRICOS, the Commonwealth Register of Institutions and Courses for Overseas Students.

Education Services for Overseas Students (Assurance Fund Contributions) Act 2000 encompasses:

- Financial protection for students if their provider - or a substitute provider - cannot teach the course they have paid for; and
- Imposes the requirement to pay annual contributions and special levies to the Assurance Fund (Self-accrediting institutions are not required to pay this annual contribution.

The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 encompasses:

- Nationally consistent standards that govern the protection of overseas students and delivery of courses to those students by providers registered on CRICOS - the Commonwealth Register of Institutions and Courses for Overseas Students. Only CRICOS courses can be offered to international students studying in Australia on a student visa.

National Code 2007

Standard 1: Marketing Information and Practices

UNE Policy and Procedure: [Marketing for International Recruitment](#)

- Marketing of the provider's education and training services must be accurate, ethical and maintain the integrity and reputation of the industry.
- No false or misleading claims are permitted.
- Marketing and promotional materials (including electronic forms) must include UNE's name and CRICOS provider number.

UNE Staff

- All marketing material for the recruitment of international students must be approved by International Marketing and Pathways (IM&P). A draft copy of marketing materials should be forwarded to international@une.edu.au
- Advise the Director, International Marketing and Pathways of the international travel arrangements of staff lyates@une.edu.au
- Ensure that up-to-date information on courses is provided to IM&P at least one year in advance.
- In order for course information to be promoted in an accurate and timely manner to prospective international students, IM&P must be supplied with the following information by Schools at least one year in advance (i.e. information for 2009 courses must be provided to IM&P by the end of 2007).

Category	Explanation
Course Title	
Mode	Full-Time On-Campus
School	Administering School.
Level	Undergraduate or Postgraduate (including whether the course is coursework only, research only or a combination of coursework and/or research.
Duration	Full-time
Fee A\$	International Student Fee.
Commencement	Semester commencement.
Overview	Brief introduction to the course.
Entry Requirements	Including academic requirements, work experience, assessment by external bodies (usually for professional membership).
Practical Experience	Including work experience, practical experience, field trips.
Benefits	Professional Membership or Academic Progression (i.e. eligible for PhD)
Course Structure	Course progression, including when students study compulsory units or elective units, whether they study in main streams of core units for the first part of their degree and specialise in their final year/s.
Specialisations Offered	Majors offered.
Enrolment Pattern	Must be detailed and include units for the entire degree. For degrees with a high number of options, generic or popular enrolment patterns may be used as examples.
Additional Information	Any other information that must be disclosed to the student.

- For detailed information on course information requirements or other international marketing issues please contact imp@une.edu.au

Domestic Partner

- Forward drafts of all marketing and promotional material for the purposes of marketing a UNE course to international@une.edu.au
- Enter all claims made in marketing and promotional material on the International Marketing Data Register (see: insert doc title).
- Brief staff representing UNE in international promotional activities and provide a report through the IPM Team Leader no later than 2 weeks after the event/activity.

Standard 2: Student Engagement before Enrolment

UNE Policy and Procedure: [Undergraduate Admission Rule](#)
[Undergraduate Admission for International Students](#)
[Postgraduate Admission for International Students](#)
[The ESOS Framework](#)
[English Language Requirements for Admission](#)

- Recruitment of students is to be conducted in an ethical and responsible manner.
- Prior to acceptance, students must be provided with accurate up-to-date specified information that enables them to make informed decisions.
- Documented procedures must be in place to assess academic qualifications and English language proficiency.

UNE Staff

- International Admissions is administered by International Marketing and Pathways. Please forward any queries or concerns to Ingrid Ellison, Manager, Admissions and Operations at ioadmit@une.edu.au

Domestic Partners

- Enforce UNE's Undergraduate Admission Rules and adhere to UNE Admission Procedures for Undergraduate and Postgraduate Admission.
- Admission Procedures should be set out in the Joint Procedures Manual (JPM).

Standard 3: Formalisation of Enrolment

UNE Policy and Procedure: [Refund of Tuition Fees for International Students](#)

- UNE must enter into a written agreement with the student which is to include course, conditions of enrolment, course monies payable and refund conditions (including both student and provider default).
- Students are to be advised of the obligation to notify UNE of a change of address whilst enrolled.

UNE Staff

- Formalisation of enrolment is predominately administered by International Marketing and Pathways. Please forward any queries or concerns to Ingrid Ellison, Manager, Admissions and Operations at ioadmit@une.edu.au

Domestic Partners

- Advise UNE students of refund arrangements.
- Procedures for refunds should be set out in the JPM.

Standard 4: Education Agents

UNE Policy and Procedure: [International Education Agents](#)

- Education agents must have an appropriate knowledge and understanding of the Australian international education industry. Providers cannot use education agents who are dishonest and lack integrity.
- Written agreements with agents must include responsibilities of each party, need to comply with National Code, processes for monitoring activities of the agent including preventative and corrective action, specified termination conditions.
- Registered providers must ensure agents have and use up-to-date and accurate marketing information.

UNE Staff

- The appointment, management and termination of UNE agents is administered by International Marketing and Pathways. If a UNE employee has any concerns in relation to agents, in particular information on any possible breach of the National Code 2007 please contact IM&P immediately at international@une.edu.au.

Domestic Partners

- Ensure that they:
 - Have in place a UNE-approved Agent's Policy and related procedures for agents recruiting students into a UNE course.
 - Use a UNE-approved agent agreement.
 - Provide a list of authorised agents on an annual basis and/or publish and update a list of authorised agents on its website.
 - Keep an up-to-date copy of the Agents Policy and Procedures on file (IPM Team Leader).
 - Provide a copy of any changes to the documentation as they occur and/or ensure a current copy is provided as a part of the annual IPM Reporting process.

Standard 5: Younger Students

UNE Policy and Procedure: [Under 18's - UNE Admissions Rule](#)

- UNE will only accept international students under the age of 18 if they are being cared for in Australia by a parent or suitable relative, or as a UNE English Language Centre student who will reach the age of 18 before enrolling in a UNE award-bearing programme, at the discretion of the Director, ELIS.

Standard 6: Student Support Services

UNE Policy and Procedure: [International Critical Incidents Student Support Services](#)

- Support students to adjust to study and life in Australia.
- Provide culturally and age-appropriate orientation program.
- Provide study support services to assist students in meeting course requirements.
- Provide welfare and accommodation services.
- Provide advice on student visa and immigration issues
- Provide designated members of staff as official point of contact.
- Provide sufficient support personnel to meet needs of students.
- Staff interacting with students need to be aware of their obligations under ESOS framework.
- The UNE Critical Incidents Policy and Procedures assist students in unforeseen and difficult circumstances

UNE Staff

- International Student Support Services are provided by English Language and International Services (ELIS). ELIS provides airport pick-up for new arrivals, organises home-stay and assists students arrange accommodation, organises International Orientation and international student activities throughout the year, assists students to access academic support and pastoral care services offered by the University and provides advice and support regarding work and student visas. UNE staff should refer any international student to ELIS regarding any personal and/or academic issue at any time during their time at UNE. ioserv@une.edu.au
- Critical Incidents:
 - Notify ELIS of the arrival on-campus of Study Tour students and visiting academics.
 - Call Security and ELIS immediately if an incident occurs involving:
 - International students on-campus in Armidale;
 - International exchange students;
 - International short-term non-award students;
 - International Study Tour participants; or
 - International visiting academics.

Domestic Partners

- Must have an up-to-date Critical Incidents Policy and Procedure aligned with the UNE Policy.
- Must provide UNE (Team Leader) with the 24 hour contact details of their Critical Incident Coordinator.
- Must provide to UNE students on their campus:
 - Appropriate orientation;
 - Access to sufficient support personnel;
 - Access to services to assist students in meeting course requirements; and
 - Access to welfare support services;

Standard 7: Transfer Between Registered Providers

UNE Policy and Procedure: [International Transfer Between Registered Providers](#)

- Transfers are permitted after the first six months of the student's principal course.
- Providers must not knowingly enrol transferring students in the first six months unless a formal letter of release is received from the relinquishing provider
- Registered providers must have and implement a documented student transfer request assessment policy.
- Provider must advise students to seek advice from DIAC if a letter of release is granted.

UNE Staff

- All applications by international students for transfer **to** UNE are administered by International Marketing and Pathways and should be referred to ioadmit@une.edu.au.
- All requests to transfer **from** UNE within the first six months of study are administered by English Language and International Services. To apply for a letter of release the student must write to the International Services Manager at ioserv@une.edu.au and include the following:
 - A written explanation of the reasons for the transfer;
 - A letter from another provider confirming that a valid enrolment offer has been made.

Domestic Partners

- Students applying to transfer from UNE within the first six months must apply for a transfer through UNE directly. To apply for a letter of release the student must write to the International Services Manager at ioserv@une.edu.au and include the following:
 - A written explanation of the reasons for the transfer;
 - A letter from another provider confirming that a valid enrolment offer has been made.
- Students wishing to transfer to UNE within the first six months are subject to the admission rules set out in the Joint Procedures Manual.

Standard 8: Complaints and Appeals

UNE Policy and Procedure: [Required Amendments to Complaint and Appeals Policies](#)
[Compassionate and Compelling Circumstances](#)

- Appropriate internal complaints and appeals processes must be in place and students made aware of their existence and access procedures.
- Independent and external mediating agency must be available.
- Complaints and appeals processes must be timely, accessible and inexpensive.
- Internal complaints process must begin within 10 days of receiving a complaint.

UNE Staff

- Must be aware that processing of complaints and appeals lodged by an international student must begin within 10 days of receipt of the formal complaints.
- UNE staff responsible for administering the relevant policy must maintain comprehensive records of all complaints and appeals and their outcomes including statement of findings in relation to each complaint or appeal that demonstrates the reasons behind the decisions made at each stage of the appeal and evidence that the statement is issued to the student and a copy retained on the student's file.
- English Language and International Services must be advised when the complaint or appeal is first lodged, and of the outcome of the appeal.
- If the student is not satisfied with the result or conduct of the internal complaint or appeals process he/she may access an external mediator at minimal or no cost.

Domestic Partners

- UNE students at all domestic partner locations are subject to UNE's Complaints and Appeals processes.

Standard 9: Completion Within the Expected Duration of Study

UNE Policy and Procedure: [Study Load and Mode for International Students](#)

- Through documented course progress policies and procedures, providers must monitor student enrolment loads to ensure completion within the duration specified on Confirmation of Enrolment (CoE).
- Providers may only extend a student's duration of study in specified circumstances. Changes must be reported via PRISMS.
- In monitoring enrolment loads, providers must ensure:
 - that the student is studying at least one unit in any compulsory study period that is not by distance or online learning; and
 - that the student does not exceed 25% of the total course by distance and/or online learning.

UNE Staff

- Ensure students are aware of the requirement to be enrolled in a full-load of study (i.e. one which will enable them to complete their studies in the time specified on their Confirmation of Enrolment).

Domestic Partners

- The provisions of Standard 9 are administered by internal process at UNE.

Standard 10: Monitoring Course Progress

UNE Policy and Procedure: [Course Progress: General Rule 7](#)
[Early Intervention Strategy for International Students Studying in Australia](#)

- Providers must have and implement documented course progress policies and procedures and provide these to staff and students.
- Course progress is to be assessed at the end point of each study period (semester/trimester).
- Providers must have a documented intervention strategy, specifying procedures for identifying and assisting students at risk of not meeting course requirements.
- At a minimum, the intervention strategy must be activated when the student has failed 50% or more of the units in any one study period.
- Students who do not meet satisfactory course progress requirements must be reported to DEST via PRISMS.

UNE Staff

- At the commencement of each semester the Student Centre will provide the name and student identification number of each student in an individual unit to the supervising academic to enable teaching staff to identify international students.
- Where the student is determined to be at serious risk of not making satisfactory course progress the Course Co-ordinator will advise the student in writing that they are at risk of not making satisfactory course progress.
- In conjunction with the supervising academic of the individual unit the Course Co-ordinator is to counsel the student, as appropriate to the unit, to undertake corrective action as specified in the *Early Intervention Strategy for International Students Studying in Australia*.
- A file note of the actions taken above is kept on the student file by either the supervising academic or Course Co-ordinator (as appropriate).
- A copy of the file note is also forwarded to the International Services Manager, English Language and International Services (ELIS).

Domestic Partners

- Implement an Early Intervention Strategy, based on the UNE *Early Intervention Strategy for International Students Studying in Australia* for counselling students at risk.

Standard 11: Monitoring Attendance

- Relates to VET and ELICOS providers.
- Monitoring of some attendance is desirable as part of activating the early intervention strategy.

Standard 12: Course Credit

UNE Policy and Procedure: [Policy and Guidelines on Advanced Standing](#)

- Registered providers must have documented procedures for granting and recording of course credit.
- CoE must reflect net duration of course if credit is granted before student visa.
- If credit is granted after approval of a student visa, change of course duration must be reported via PRISMS.
- Students are to maintain full study load in order to complete course in net duration.

UNE Staff

- Applications for Course Credit are made through the UNE Student Centre. Information is available at: www.une.edu.au/for/current-students/forms/app-credit.pdf.
- If the applicant is an international student, the outcome of the application is to be forwarded immediately to the International Admissions and Operations Manager, International Marketing and Pathways at iadmit@une.edu.au.

Domestic Partners

- Applications for Course Credit are made through the UNE Student Centre. Information is available at: www.une.edu.au/for/current-students/forms/app-credit.pdf.

Standard 13: Deferring, suspending or cancelling the student's enrolment

UNE Policy and Procedure: [Deferring and Suspending International Student Enrolment](#)
[Compassionate and Compelling Circumstances](#)

- Providers must have documented procedures in place.
- Providers may only defer or temporarily suspend enrolment on the grounds of compassionate or compelling circumstances and misbehaviour.
- Students are to be notified that deferring, suspending or cancelling may affect their visa.
- Provider must notify DEST via PRISMS where the student's enrolment is deferred, suspended or cancelled.
- Provider must notify the student of intention to suspend or cancel and that he/she has 20 working days to access the internal appeals and complaints process.
- The provider must maintain the student's enrolment until the internal appeals process is resolved.

UNE Staff

- Refer any application for deferment after commencement of studies to the International Services Manager at UNE ioserv@une.edu.au.

Domestic Partners

- Refer any application for deferment after commencement of studies to the International Services Manager at UNE ioserv@une.edu.au.

Standard 14: Staff capability, education resources and premises

- Premises must adequately support student achievement.
- Adequate course quality assurance frameworks must be in place.
- Providers must notify designated authority and students at least 20 days in advance of intention to relocate premises.

UNE and Domestic Partners

- UNE to annually audit domestic partners.

Other Useful Information: CRICOS and PRISMS

Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)

- CRICOS and the CRICOS process is set out in sections 3-12 of the National Code 2007.
- Any provider of education and training that seeks to recruit, enrol or teach overseas students, or advertise its ability to do so, **MUST** be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) or must do so in accordance with an arrangement it has with a registered provider for the relevant course, in which case the registered provider is responsible for all obligations under the Act.
- The provider must be registered for each course it offers to overseas students and for each State or Territory in which it offers the course.
- Only full-time courses can be registered on CRICOS.
- Full-time distance education and part-time courses are not to be registered on CRICOS.
- Courses with a distance or online component can only be registered on CRICOS where the designated authority is satisfied that these courses meet the minimum requirements as specified in Standard 9.
- Where more than one provider is involved in the provision of one course, only one provider is to be registered to provide that course. The relevant State Authority will decide which provider is to be registered.
- The involvement of other providers in the provision of the course must be under an arrangement with the registered provider, and with the approval of the State or Territory.
- A provider must comply with all registration requirements under relevant State Legislation, and with all the requirements of the National Code, before it is registered on CRICOS
- Any work-based training that is necessary in order to obtain the qualification is to be included in the course duration and appropriate arrangements for the supervision and assessment of overseas students in place. (Optional work experience not approved as necessary in order to obtain the qualification must be excluded).
- CRICOS registration of a provider must specify the number of overseas students the provider can teach.
- If a course is planned but not yet registered on CRICOS, promotion of the course is possible but the provider must not:
 - claim to provide the course;
 - offer the planned course; or
 - invite applications for the planned course.
- The National Code 2007 clearly states that CRICOS registration is not transferable. If a change in ownership results in a change of legal entity, the new entity must seek CRICOS registration.

Provider Registration and International Students Management System (PRISMS)

- PRISMS is a computer system developed by DEST in cooperation with DIAC for the purposes of the ESOS ACT and the Migration Act. It provides a secure system for providers registered on CRICOS to comply with legislative requirements by:
 - creating and authorising confirmation of enrolments (CoEs) for overseas students enrolling (either from offshore or onshore) with the provider (as required under the ESOS Act); and
 - reporting changes in course enrolment and student non-compliance with visa conditions relating to attendance and academic performance (required under the ESOS Act).
- CoEs were introduced in 2000 to improve the integrity and efficiency of confirmation of enrolment for the purposes of student visa issue. They can only be generated through PRISMS. DIAC requires a CoE as “evidence of enrolment” in a registered full-time course before it will issue a student visa.
- Access to PRISMS is only granted to those people nominated by the Principal Executive Officers (PEOs) of providers registered on CRICOS. PEOs and delegates will also have the discretion to nominate the level of access required to allow staff to only create CoEs, or to create and authorise CoEs and report on students. PEOs are also able to nominate agents to create CoEs for them, but only the provider’s staff are able to authorise forms created by agents.
- Student enrolment information is entered into PRISMS in order to create an enrolment record and thus print out an enrolment letter to give to the student (a CoE).
- The information entered is transmitted to DIAC who forward it to their visa processing offices so that, when a student applies for a student visa, the DIAC officer is able to authenticate the enrolment letter (CoE).
- DIAC transmit student visa grants, visa refusals and student movements to DEST where this data is used to determine the status of the student, that is, have they arrived, are they studying, should their CoE be cancelled, etc.
- When a provider reports a student via PRISMS for non-compliance, the information is transmitted to DIAC who will investigate the student and will respond to DEST with the outcome of their investigation.

Further Information

Sue Campbell, International Development and Compliance Officer
scampb20@une.edu.au

Lindsay Yates, Director, International Marketing and Pathways
lyates@une.edu.au

Vernon Crew, Director, English Language and International Services
vcrew@une.edu.au

Ingrid Ellison, Manager, Admissions and Operations
ielleston@une.edu.au

Bronwyn Gilson, International Services Manager
bgilso2@une.edu.au

Useful Web Addresses

www.une.edu.au/imp/procedures/www.dest.gov.au/esos
www.une.edu.au/od/hos/section_04.php
www.cricos.dest.gov.au
www.immi.gov.au

Definitions

ELIS:	English Language and International Services
DEST:	Department of Education, Science and Training
DIAC:	Department of Immigration and Citizenship
IMP	International Marketing and Pathways