



Withdrawals, Deferment, Cancellations, Suspensions and Refunds Policy & Procedure

Doc No: PP017

Purpose

This policy and procedure sets out the circumstances under which students may claim for a full or part refund of any fees or charges paid. This Policy has been updated with information about refund eligibility in relation to COVID-19.

1.0 Responsibilities

The General Manager is responsible for ensuring this policy and procedure is implemented.

2.0 Scope

This policy and procedure covers all of LITA Training's training and related services.

3.0 Definitions

Applicable refund means the balance of any fees and charges payment made upfront by an applicant or enrolled student where the services have not been made available to date.

Applicant means a prospective LITA Training student or interested party.

ASQA means the Australian Skills Quality Authority.

Compassionate and compelling circumstances means the following:

- Illness, injury or stress (including vicarious stress)
- Permanent or temporary disability (that has occurred during the duration of the course)
- Death of close family members
- Incident or issue causing distress to a student impacting on their capacity for study e.g. involvement in a serious accident, witnessing or being victim of a serious crime
- Situations outside a student's control that significantly and adversely effects their ability to study.

Circumstances not considered compassionate and compelling are:

- An inability to pay tuition fees.
- Circumstances which are considered to be within the control of a student, or which are to be expected in the normal course of the student's study, work, family or social life.
- An increase in hours or duties of paid or unpaid employment which is at the request of the individual student not regarded as circumstances beyond a student's control.

Employer means an applicant or enrolled student's place of employment.



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Fee for service courses means where an employer has an arrangement with LITA Training to deliver training services to its workforce outside of a government funded arrangement.

Student means an enrolled learner that has agreed to use the services provided by LITA Training.

4.0 Policy

LITA Training maintains a fair and reasonable refund policy to ensure that refunds are made available to students entitled to receive them.

Applicants and students are advised about their rights to withdraw or defer and any refund arrangement, through both the *Student Handbook* and on the website through publishing of this policy and procedure. This policy covers the way that LITA Training administers fee refunds for public students, school students studying a VET for Schools approved course and fee for service employers.

A non-refundable application fee of \$200 is set to cover administration costs associated with course application and enrolment. Subsidised students through the Skilling South Australia and VET for Schools program are EXEMPT from payment of this fee.

It is the policy of LITA Training that all applicable refunds for fees are paid to applicants within 5 working days from the time when notification has been made by the applicant to LITA Training in accordance with LITA Training's notification procedure (refer below).

It is the policy of LITA Training that all applicable refunds for fees are paid to students who pay fees directly to LITA Training and who withdraw from any LITA Training program or unit up to mid-course.

Where a third party has paid the student's fees and charges eg. an employer or a home school, in the instance of withdrawal and cancellation from the course, the third party only will receive any eligible refund – no refund will be provided to the student in any circumstances. The employer or home school may also negotiate to transfer the balance of fees to another employee.

LITA Training does not put in place financial nor administrative barriers for any student wishing to withdraw from their course. Where the student can demonstrate hardship, and at the discretion of LITA Training's General Manager, the administration fee (where it applied) will also be fully refunded.



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5.0 Procedure

Applicant Refunds

IMPACT OF CORONAVIRUS

LITA Training considers the COVID-19 health pandemic as grounds for compassionate and compelling circumstances, where situations are outside a student's control that significantly and adversely effects their ability to study.

As such, where Mount Gambier or the place of study is declared a 'hot spot' by the South Australian or relevant government, the following student refunds will apply:

- any student who is currently enrolled in a training program where LITA Training is not able to provide a training and assessment approach which is acceptable to the student, may opt to withdraw from their studies and receive a refund for any part of their fees where training services was not provided. A *Withdrawal Form* will be required to be completed by the student OR
- any student who is currently enrolled in a training program where LITA Training is not able to provide a training and assessment approach which is acceptable to the student, may opt to defer their studies for up to 6 months. No refunds will be issued in this scenario. A *Deferment Form* will be required to be completed by the student.
- any student who has been accepted in a training program but has not commenced and has paid up-front fees, may receive a full refund where LITA Training is not able to provide a training and assessment approach which is acceptable to the student. This will include a full refund of the administrative enrolment fee where applicable. The student must forward an email to LITA Training's General Manager at training@lita.org.au outlining the name of the course and specifying that they are seeking to withdraw. Students are encouraged to provide their advice asap and at least 5 business days prior to the commencement of the training.
- any student who has pre-paid fees and is asked to go home by LITA Training as it is LITA Training's opinion that the student is ill, will be eligible for a credit note*, to use for any course at LITA Training within a 6 month period from the day of LITA Training's instruction. The student will not be withdrawn for 6 months and may opt to return and continue with their current course.
- any student who has pre-paid fees and is in quarantine will be eligible for a credit note*, to use for any course at LITA Training within a 6 month period from the date of receipt of payment by LITA Training. The student will not be withdrawn for 6 months and may opt to return and continue with their current course.



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* In cases of hardship and at the General Manager's discretion, LITA Training will consider a refund, minus the \$200 administrative fee (where applicable). In this instance, a *Withdrawal Form* will be required to be submitted, available on LITA Training's website.

Where a third party, such as the student's employer or home school, has paid for any fees on behalf of a student, any refund will be issued to the third party.

GENERAL BUSINESS

Any applicant wishing to be considered for a course refund must notify LITA Training's General Manager in writing (eg. via email) and the notification must be received by LITA Training no later than 5 business days from the time when any up-front payment has been made by the applicant to LITA Training.

A full refund of the amount paid by the applicant, minus the \$200 application administration fee (where applicable) will be reimbursed by LITA Training within 5 working days.

Where a third party has paid the student fee in a forklift course and the student requests to withdraw 48 hours prior to course commencement and LITA Training cannot fill the place, no refund will be provided as LITA Training organises these courses on the viability of accrued enrolment and fees.

If LITA Training terminates the agreed training services early and an applicant has paid fees (partial or fully), impacted students will receive a full refund inclusive of the application administration fee, ie. full refund. The refund will be issued within 1 month of the date of course/ service termination.

Enrolled Student Refunds

Any enrolled student wishing to be considered for a course refund must complete the *Withdrawal Form* which will be forwarded to General Manager for review, regardless whether the student is a trainee, funded or fee for service student.

In instances where LITA Training ceases to offer a course, it will ensure that the impacted students will receive Statements of Attainment/s for all completed Unit/s of Competency and be offered either credit transfer into a replacement course where appropriate and relevant and be offered a refund for the balance of any fees paid up-front and where training services have yet to be delivered, should they not wish to enrol in the alternative course. The refund will be issued within 1 month of the date of course cancellation. No *Withdrawal Form* will be required in this instance. Should a withdrawn



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student elect to enrol in an alternative course at LITA Training, LITA Training will only accept the student's application with clear written permission by the student.

If LITA Training terminates the agreed training services early, impacted students will receive Statements of Attainment/s for all completed Unit/s of Competency and be offered a refund for the balance of their enrolled course. The refund will be issued within 1 month of the date of course cancellation. No *Withdrawal Form* will be required in this instance.

Should an enrolled student be unable to attend a course and a notice of cancellation (ie. through completion of the LITA Training *Withdrawal Form*) has been received prior to course commencement, a full refund less the non-refundable deposit of \$200 will be issued where applicable and collected, eg full qualifications.

A refund post enrolment will be considered on a case by case basis upon receipt of a written request (ie. through completion of the LITA Training *Withdrawal Form*).

In the instance of a forklift short course where LITA Training could not fill the place and notice of withdrawing was made by the student within 48 hours of the course commencement, no refund will be provided.

Where an enrolled student believes at any time that LITA Training did not fully advise of the course requirements and student responsibilities, and he/she remains dissatisfied with the course, the student will be referred to LITA Training's *Complaints & Appeals Policy & Procedure* for a review, which may result in a full or partial refund to the student.

LITA Training Withdrawing Students

Where a student opts to withdraw from his/her course, they are required to complete a *Withdrawal Form*, to formally notify of their decision. Should a student not be available, as occurs from time to time with transient employee, the student's employer may also complete and submit the Form. This is in addition to the requirement to notify the relevant AASN for any trainee.

For these withdrawing students, where fees are invoiced in arrears of training services delivered, LITA Training will invoice the student/their employer for any services provided prior to the student's date of withdrawal – this will be a pro-rata of the agreed course fees, as specified in the student's *Schedule of Fees*. No Statement of Attainment will be issued until the student/their employer pays the outstanding fees.



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For any Skilling South Australia subsidised student who has opted to withdraw, LITA Training will render their Training Account as inactive within 20 business days and ensure that the student receives their AQF certification, in accordance with LITA Training's *Issuing Qualifications Policy & Procedure*.

LITA Training Cancelled Students

Where an enrolled student is not progressing, LITA Training will, according to its *Progression and Intervention Policy & Procedure*, and only after three attempts at contact which have all resulted in a lack of student response (which may also be through their employer or home school), LITA Training will undertake the following procedures:

- for students who have completed some of the course requirements, LITA Training will cancel and advise the student in writing. Where relevant, the student's employer or home school will also be notified by being copied into the email.
- for students who have completed the course's training but not submitted all assessments, LITA Training will forward a reminder email, which advises of the cut-off date for assessment submission which will always be for a period of 6 months from the last contact date. Where relevant, the student's employer or home school will also be notified by being copied into the email. No refund will be provided for any pre-paid fees. Should the student not submit the outstanding assessments, LITA Training will cancel the student.

For these RTO Initiated withdrawal students, where fees are invoiced in arrears of training services delivered, LITA Training will invoice the student/their employer/their om school for any services provided prior to the student's date of withdrawal – this will be a pro-rata of the agreed course fees, as specified in the student's *Schedule of Fees*. No Statement of Attainment will be issued until the student/their employer/home school pays the outstanding fees.

For trainees who are cancelled, LITA Training will also advise the relevant AASN.

For any Skilling South Australia subsidised student who has been cancelled, LITA Training will render their Training Account as inactive within 20 business days and ensure that the student receives their AQF certification, in accordance with LITA Training's *Issuing Qualifications Policy & Procedure*.

All cancelled students who wish to re-enrol in unit/s of competency whereby they had previously paid full fees (and in the instance of a student where the fees have not been transferred to another employee), the cancelled student may re-enrol and subject to meeting all entry requirements, will pay a reduced fee of 50% for the unit/s of



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competency.

LITA Training Deferring Students

LITA Training student may request to defer their studies up to a period of 6 months and through completion and submission of the LITA Training *Deferment Form*. All requests are subject to approval by LITA Training's General Manager and the student will be advised in writing of the LITA Training decision. All students have the right to appeal any decision made but it must be done within 10 days of the date of LITA Training's decision and using LITA Training's *Decision Appeals Lodgement Form* (available on LITA Training's website).

LITA Training will notify the student one month in advance of the scheduled date of re-commencement of studies and unless LITA Training hears otherwise from the student, LITA Training will re-commence the fee payment arrangement on the date of scheduled re-commencement.

LITA Training Suspended Students

Where a student is suspended from their enrolled course, no fees will be refunded until LITA Training and the student makes a decision to either continue (no fees will be refunded) or withdraw (partial refund based on the balance of tuition remaining against the fees paid to date).

Where LITA Training makes a decision NOT to refund a student's full or partial fees and charges, the student will be referred to LITA Training's *Complaints & Appeals Policy & Procedure* for a review which may result in a full or partial refund to the student.

Traineeship Requirements

Trainee Request to Suspend (or Defer)

A suspension is a temporary cessation of a *Training Contact* for a period of time agreed by the trainee and the employer, and approved by Traineeship and Apprenticeship Services, or by a decision of the SA Employment Tribunal.

LITA Training considers traineeship suspensions as similar to 'deferral'.

Examples of non-business related reasons for a suspension include where the trainee:

- suffers an injury
- requires maternity leave, or
- requests absence for personal reasons (the trainee will apply through completing and submitting the Withdrawal and Deferment Form in the first instance).



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Examples of business related reasons for a suspension may include:

- relocation of the business, or
- damage to the premises.

An application for a suspension for a business related reason can be for a period of up to 30 days. It must be an action of last resort and the employer must provide evidence that they have exhausted other avenues to avoid the need for a suspension, including:

- allowing the trainee to complete outstanding off-the-job training or to bring forward off-the-job training. NOTE: The employer is responsible for paying wages if the trainee attends training while on suspension, or
- negotiating a reduction in hours, if it is possible under the industrial award or agreement and the Training and Skills Commission's hours of employment and training guideline and varying the *Training Contract* accordingly, or
- asking the trainee to take accrued leave, for example, annual leave and rostered days off.

There must be a clear understanding that the *Training Contract* will be continued after the suspension. A period of suspension will alter the nominal completion date of the *Training Contract*. Off-the-job training may continue during the suspension period in special circumstances.

LITA Training's General Manager will contact the Department for Innovation and Skills on **1800 673 097** to seek instruction on any suspension requests from either a trainee or employer.

RTO or Employer-Initiated Suspension (Deferral) of a Trainee

A suspension will not be approved where the employer has issues or concerns about the trainee's performance or behaviour. LITA Training's General Manager will contact the Department for instruction on **1800 673 097**.

If an employer has reasonable grounds to believe a trainee is guilty of wilful and serious misconduct, they can suspend the trainee from employment under the *Training Contract*, for up to seven working days, and must notify the South Australian Employment Tribunal of a suspension of a trainee for wilful and serious misconduct **immediately** by phoning the Registry of the SA Employment Tribunal, or by fax, email or by personally attending the Registry at the following address:

SAET Registrar
Level 6, Riverside Centre, North Terrace
ADELAIDE SA 5000
Email: saet@sa.gov.au
Ph: (08) 8207 0999
Fax: (08) 8115 1380



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The employer must confirm the suspension in writing **within 3 days** of the suspension. The SAET will arrange a compulsory conciliation conference to be held between the parties within 7 working days of the suspension. If the matter is not resolved at conciliation, it will proceed to a full hearing at a later date. The SAET may confirm or extend the suspension.

The trainee has the right to dispute a suspension if they believe that the suspension is unjust or the length of the suspension is unreasonable.

Trainee-Initiated Termination (or Withdrawal)

Generally, Traineeship and Apprenticeship Services will approve the termination of a *Training Contract* if it is assured both the trainee and employer have freely agreed to the termination. LITA Training refers any trainee or employer to contact the Department on **1800 673 097** for advice if an agreement cannot be reached between the two parties.

A *Termination Application Form* must be submitted to Traineeship and Apprenticeship Services through the Apprenticeship Network Provider (APN) before a *Training Contract* can be finalised. This Form is obtained through the trainee's APN and must have an agreed termination date and be signed by both parties.

Trainee-Initiated Transfer to Another Employer

A *Training Contract* may be transferred to another registered employer with the agreement of the current employer, the new employer and the trainee. A transfer can only occur if there is no break in service between employers. It is not possible to transfer a South Australian *Training Contract* to an interstate employer.

VET for School Requirements

LITA Training's General Manager will inform the home school of any request for withdrawal or deferral made by a school student.

In the event that a student has not been progressing, and all re-engagement procedures have been actioned in accordance with LITA Training's Progression and Intervention Policy and Procedure, LITA Training's General Manager will inform the home school of its decision to initiate a RTO-withdrawal.

Any refund of student payments will be subject to the terms and conditions of this Policy and Procedure.

7.0 Forms and Records

The following forms should be used in conjunction with this procedure:

- FORM Withdrawal Form
- FORM Deferment Form



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- DOCUMENT Staff Handbook
- DOCUMENT Student Handbook

The following references should be read in conjunction with this procedure:

- POLICY & PROCEDURE Application and Enrolment
- POLICY & PROCEDURE Progression and Intervention
- POLICY & PROCEDURE Fees and Charges
- POLICY & PROCEDURE Student Responsibilities
- POLICY & PROCEDURE Complaints & Appeals
- POLICY & PROCEDURE Issuing Certification