

## **ESOS Framework and CRICOS Registration Compliance Policy**

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### **1.0 Policy Statement**

This policy provides an overview of BKI's commitment to the key legislative and regulatory obligations of the ESOS framework. Procedures have been documented to cover the details of the ESOS framework and to provide clear instruction on how the policy is to be implemented at BKI and other teaching locations.

### **2.0 Purpose**

To ensure Bendigo Kangan Institute's (BKIs) commitment to compliance with the Education Services for Overseas Students (ESOS) legislative framework and its CRICOS registration.

### **3.0 Scope**

This policy applies to:

- International student on a student visa or a student who is not an Australian citizen, permanent resident, New Zealand citizen or holder of an Australian permanent resident humanitarian visa studying at BKI. BKI will not accept applicants that are under 18 years at time of course commencement.
- BKI personnel involved in the delivery of training and assessment, and the administration of records for international students, including ELICOS courses.
- Any training and assessment delivered to international students via third-party arrangements on behalf of BKI.
- Recruiters and Education agents who recruit international students on behalf of BKI
- Providers of marketing and documentation prepared for international students on behalf of BKI.

This policy does not apply to:

- Transnational training and assessment services that are delivered offshore, or to students who are studying entirely online.
- International students who do not hold a student visa.

This policy does not detail BKIs approach to Critical Incident Reporting/Management or International Student Transfers (refer to specific BKI policy and/or procedure).

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### **4.0 References**

- Education Services for Overseas Students Act 2000
- Education Services for Overseas Students Regulations 2019
- Education Services for Overseas Students (Registration Changes) Act 1997
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
- National Standards for Foundation Programs
- ESOS Regulations 2019
- ELICOS Standards 2018
- Standards for Registered Training Organisations (RTOs) 2015
- Working with Children Act 2005 (Vic)
- Working with Children Clearance, Victoria

### **5.0 Principles**

Bendigo Kangan Institute is committed to provide quality training and assessment services related to International students by:

- Meeting the requirements of the ESOS Framework, including the ESOS Act and the National Code at all times
- Ensuring the courses for International students are on CRICOS Scope of registration.
- Meeting its key obligations as CRICOS registered training provider by:
  - Cooperating with ASQA
  - Entering into the Offer and Acceptance written agreements with students
  - Keeping all prescribed records of students
  - Maintaining and publishing current BKI authorised education agents' details
  - Giving information to the Secretary about accepted students (through PRISMS)
  - Providing refunds in accordance with the Refund Policy
  - Paying registration charges and levies on time.
- Ensuring BKI employees and contractors are aware of the requirements of the ESOS framework.
- Ensuring ELICOS registration is current in order to deliver courses to ELICOS students.
- Ensuring compliance with the requirements of the *ELICOS Standards*
- Ensuring that all regulatory requirements are met in the monitoring of attendance and academic performance of ELICOS students, through:
  - Monitoring of minimum 80% attendance requirement of the scheduled contact hours of the course
  - Reporting the overseas student for unsatisfactory course progress or attendance to the Department of Home Affairs
  - Following the correct process to facilitate international students' requests for deferring or suspending courses and to correctly process a cancellation of an enrolment
  - Allowing a grace period of 20 working days from the date they receive a letter of

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Version No: 1.1

Issue Date: 07 Apr 2022

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notification regarding unsatisfactory progress to access BKIs appeals, complaints and grievances processes.

- Meeting all reporting requirements to the national ESOS agency via PRISMS in accordance with the ESOS Act and ESOS regulations
- Ensuring that the marketing and promotion of its courses and education services in connection with overseas students including via an education agent is not false or misleading and is consistent with Australian Consumer Law
- Ensuring that the correct requirements for enrolment and pre-course commencement for new and continuing international students are completed in a timely and efficient manner.
- Providing intending students with comprehensive and current information in relation to all the requirements for an overseas student's acceptance into a particular course of study.
- Entering into a written agreement with the overseas student, signed or otherwise accepted by the student, concurrently with or prior to accepting payment of tuition or materials fees. The written agreement must meet the requirements of the ESOS Act and National Code.
- Ensuring that students under the age of 18 have the written agreement signed by either their parents or legal guardian.
- Ensuring of entering into a written agreement with agents in order to formally represent the institute in accordance with the National Code
- Ensuring BKI staff hold a Working with Children's Check (WWCC) and a Criminal Record Check (if required).

### **6.0 Roles and Responsibilities**

Role	Responsibilities
Chief Governance and Quality Officer	Ensures Compliance with regulatory and legislative requirements pursuant to the ESOS framework and CRICOS registration.
Head of Quality Assurance	Ensures policies, procedures and processes are in place so that compliance is ongoing and continuous improvement is maintained by internal audit and governance activities.
Trainers and Assessors	Trainers and Assessors are responsible for monitoring individual international student progression_ and reporting satisfactory or unsatisfactory progression to the Manager of the respective teaching department.

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Role	Responsibilities
International Student Support Officer	<p>The International Student Support Officer is responsible for monitoring course progress, attendance and offers pastoral care and support to all BKI international students.</p> <p>They are the main point of contact for the students to contact if they have any issues as well the point of contact for the international coordinators from the teaching departments.</p> <p>They facilitate orientation, assist at graduation, refer students to other BKI services available where required, issue attendance warnings, implement study plans or interventions amongst other BAU.</p>

### 7.0 Definitions

Word/Term	Definition
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students; the official Australian Government database of all courses offered to people studying in Australia on student visas and the education providers offering those courses.
Department of Education	The Commonwealth Department of Education, which is responsible for administering the PRISMS and CRICOS databases.
Education Agent	A person, either within or outside Australia, who represents or acts on behalf of BKI in dealing with international students or prospective international students.
ELICOS Course	<p>An ELICOS course is a course of education or training that is:</p> <ul style="list-style-type: none"> <li>• Solely or predominantly of English language instruction; and</li> <li>• Provided, or intended to be provided, to an international student as defined in section 5 of the ESOS Act.</li> </ul>
ESOS Act	<i>Education Services for Overseas Students Act 2000</i> and associated legislation; sets out the legal framework governing delivery of education to international students studying in Australia on a student visa.

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Word/Term	Definition
International student	A student at BKI with an Australian student visa, holding a valid CoE in a CRICOS registered course.
National Code	National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students; a set of nationally consistent standards that governs the protection of international students and delivery of courses to those students by providers registered on CRICOS.
PRISMS	Provider Registration and International Students Management System; the Australian Government database that provides Australian education providers with Confirmation of Enrolment facilities required for compliance with the ESOS legislation.

### 8.0 Supporting Policies and Procedures

Policy/Procedure
Deferment, Suspension or Cancellation of Enrolment of International Students Procedure
Enrolment Procedure – International (On Shore and Offshore)
International Agent Monitoring and Termination Procedure
International Student Admissions Procedure
International Students Critical Incident Procedure
International Students Monitoring Course Progress Procedure
International Students Recognition of Prior Learning Procedure
Managing Changes to International Delivery Registration Procedure
Monitoring Attendance of International ELOCOD Students
Monitoring Course Progress for International Students
Release and Transfer between Providers for International Students Procedure
Scholarships – Access and Equity Procedure
Working with Children Procedure
Child Safety Policy
International Marketing and Admissions Policy
International Student Management and Welfare Policy
International Transfers Between Registered Providers Policy
Monitoring Course Progress for International Students Policy

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### **9.0 Version Control and Change History**

Ver.	Issue Date	Document Custodian	Description of Change	Approval Authority
1.0	02 Aug 2019	Chief Academic Officer	Original	Board of Studies
1.1	07 Apr 2022	Head of Quality Assurance	Simplified and minor changes to roles and responsibilities.	Head of Legal, Governance, Risk and Compliance

### **10.0 Document Custodian and Approval Authority**

Document Custodian	Approval Authority	Approval Date	Issue Date	Scheduled Review Date
Head of Quality Assurance	Chief Governance and Quality Officer	07 Apr 2022	07 Apr 2022	07 Apr 2025

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