



# COVID-19 – information for VET, ELICOS and higher education providers

International students may be affected by travel restrictions and exclusion periods due to the COVID-19 outbreak.

Updated 19 October 2020

## Information for providers

**From 20 March 2020 at 9pm (AEDT), only Australian citizens, residents and family members can travel to Australia.**

The Department of Education, Skills and Employment encourages providers to consider flexible arrangements for students during this time. Examples include flexible course delivery, such as through online delivery of courses or additional sessions to make up for days missed for students who are prevented from attending classes in Australia.

Providers may also need to adopt a flexible approach to student attendance. Students may need to exclude themselves from their place of study for a period. A period of isolation like this may be considered as consistent with a period of illness with respect to student attendance under *Education Services for Overseas Students Act 2000* requirements.

The Tertiary Education Quality and Standards Agency (TEQSA), the Australian Skills Quality Authority (ASQA) and the Department of Education, Skills and Employment (DESE) as the regulatory agencies under the *Education Services for Overseas Students Act 2000* acknowledge that due to circumstances surrounding COVID-19, providers may not be in a position to fully comply with the requirements of Standards under the National Code 2018.

**During this period of disruption, the department , in consultation with ASQA and TEQSA will apply the following approach to regulating the requirements of the National Code. As circumstances change and restrictions are eased, these arrangements will be reviewed.**

**The department highlights the following advice from ASQA and TEQSA regarding online learning.**

*All AQF-training and assessment must meet high quality standards regardless of the location of the student and the mode of delivery. As long as the student remains enrolled with their provider, and the assessment requirements of the course allow it, the location of the student and the mode of delivery should not form an impediment to attainment of an Australian qualification.*

*ASQA and TEQSA, will be flexible in order to support students to study online either in Australia or offshore. Providers should assure themselves that such arrangements maintain assessment and quality standards, and are appropriately documented. Not all qualifications are suited to online learning, in particular, those with mandatory work placements.*

*If providers have questions about their specific circumstances they should contact their relevant regulator.*

Providers should document all flexible arrangements made on a student-by-student basis. This is particularly important for arrangements that would usually be considered non-compliant with the ESOS Act.

ASQA, TEQSA and DESE acknowledge the current challenges take many forms for different providers and will work with providers to minimise the impact this situation has on both providers and students.

## **Student consent for online learning**

Allowing flexibility of online delivery does not remove students' protections, or remove providers' obligations to their students under the ESOS Act.

For many students, online delivery is a welcome option that allows them to continue their studies uninterrupted. However, online delivery may not be suitable for all courses or students and may be a significant departure from an international student's expectations of the course.

Student consent to study online may be implied or explicit. Student consent may occur where:

- the student engages in online classes;
- the student has asked or agreed in writing to study online; or
- the student's written agreement has been updated by mutual agreement.

Each case should be considered on its merits and consideration should be given to the student's understanding of the options available to them.

Where there is clarity about a student's agreement to online study, no further action is required. There is no expectation that all written agreements must be updated.

Where a student is not satisfied with the provider's online offering, options to address this may include:

- making adjustments or concessions with the student's agreement;
- deferring or suspending the student's enrolment, or;

- releasing the student and providing a refund.

Where students express concern, providers should work with them to ensure they are satisfied the course is comparable to what they expected to receive and seek their agreement to the new arrangement. Providers should be transparent on the mode of delivery, resources available to students, methods of assessment and how any practical components will be managed. Students' engagement at online education can be taken as an indication of agreement to the new arrangements for the duration of their participation.

If the provider is unable to come to an arrangement for online study that the student finds suitable, the student may wish to defer or suspend their studies until they can recommence face-to-face study. Providers should consider requests for deferral or suspension on a case by case basis. In line with the requirements under Standard 9 of the National Code, the provider may defer or suspend the enrolment if it believes there are compassionate or compelling circumstances. The ESOS agencies encourage providers to consider all student concerns and make decisions based on a documented policy or process, and to ensure they record any decisions about suspensions or deferment of studies.

If a satisfactory solution cannot be found, the student may wish to withdraw from the course completely, in which case providers should refund the student's unspent tuition fees. When calculating refunds, providers must follow Section 7 of [the Education Services for Overseas Students \(Calculation of Refund\) Specification 2014](#).

In cases where students do not agree to the change to online instruction, providers should seek written confirmation from the student of their decision.

## Further information

Providers and students should stay up to date with the latest advice on COVID-19 from the Department of Health [website](#). Providers and students should also stay up to date on the latest advice on visa and travel matters related to the virus from the Department of Home Affairs [website](#).

Higher education providers can contact TEQSA at [enquiries@teqsa.gov.au](mailto:enquiries@teqsa.gov.au). Providers should regularly check the [TEQSA website](#) to stay up to date with the latest COVID-19 information.

VET providers can access the [ASQA website](#) for the latest COVID-19 information or contact ASQA's InfoLine on 1300-701 801 or at [enquiries@asqa.gov.au](mailto:enquiries@asqa.gov.au).

School providers should contact their Designated State Authority (DSA) for their State or Territory. Contact details are available on the [CRICOS website](#).

ELICOS providers should contact their regulator using the contacts above.

## Useful links

Further advice for international students is available on the Department of Education, Skills and Employment [website](#). Enquiries can be directed to [international.students@dese.gov.au](mailto:international.students@dese.gov.au).

The Tuition Protection Service has published advice for students and education providers regarding the [restrictions on travel](#).

The [TEQSA](#) and [ASQA](#) websites contain further information for providers.

ASQA has also recently developed a COVID-19 Monitoring Strategy that is designed to address the risks arising from providers changing their delivery in response to the COVID-19 pandemic. The Strategy includes information for providers and students to inform them of the key risks and provide guidance on how they might best manage these risks. You can find more information [here](#).

The Commonwealth Ombudsman has published [advice](#) for providers and students about principles for resolving COVID-19 complaints and examples of complaint scenarios.

## Frequently asked questions

### **What happens if a student disagrees with a provider's decision not to refund/suspend/cancel their enrolment?**

Under Standard 10 of the National Code, all education providers should have an internal complaints and appeals process which allows decisions by education providers to be appealed by students. In this way, providers and students may find a mutually agreeable solution to their dispute.

Providers should try to resolve disputes with students about online learning in accordance with the principles outlined in this fact sheet. If an agreement can't be reached, providers should release the student from their studies and refund any unspent tuition fees.

If a student is still not satisfied after exhausting their provider's internal complaints and appeals processes, the provider must advise the student that they are able to make an external complaint or appeal about their provider's decision. Students disputing decisions made by private education providers can contact the [Commonwealth Ombudsman](#), while students disputing decisions made by public education providers can contact their [State or Territory Ombudsman](#).

### **What portion of ELICOS courses can now be delivered online? Can an entire course be delivered online?**

Noting the intensive nature of ELICOS delivery and the challenges presented by online delivery of ELICOS, ESOS agencies are committed to working with ELICOS providers during this time to ensure that students who are directly impacted by travel restriction from attending class in Australia are not disadvantaged. ESOS agencies will work flexibly with providers to minimise the impact this situation has on providers and students.

### **Which students can access the flexible arrangements?**

The department supports the use of flexible arrangements that are reasonable in the circumstances for students directly affected by travel and quarantine restrictions. Where flexible and reasonable arrangements need to be made by providers that do not comply with the ESOS Act, the regulators will take these circumstances into account.

The department understands that some other students may be hesitant to travel due to COVID-19. Providers should consider requests for deferral or suspension on a case by case basis, in line with the requirements under Standard 9 of the National Code on granting suspensions and deferrals on the basis of compelling or compassionate grounds.

**What level of reporting do providers need to collect on accommodations made for students which do not meet the ESOS Standards?**

The department acknowledges that providers may not be able to fully comply with requirements under the ESOS Act for students that have been affected by the travel and quarantine restrictions. In these cases, the department recommends that providers document all accommodations made in each student's record. This includes, and is particularly important for, actions that would otherwise be non-compliant with the ESOS Act and the National Code.

**Can providers offer additional sessions for students to make up for days missed?**

Yes. Increasing contact hours for a period to make up for missed classes would be considered a reasonable adjustment.

**Should providers defer or suspend CoEs for incoming or continuing students who are restricted from travelling to Australia but will take online courses or alternative delivery methods?**

Providers should work with their students to identify the best option for each student. Providers are reminded that under Standard 8 of the National Code they should offer support to students who are undertaking online or distance learning.

**Will the travel restrictions affect eligibility to meet the Australian study requirement or additional periods of stay under the regional initiatives for Temporary Graduate visa holders and others?**

Decisions related to eligibility for persons affected by COVID-19 will depend on how long the travel restrictions remain in place. The Department of Home Affairs will consider making concessions, on a case-by-case basis, for those applicants affected, once travel restrictions have been lifted.