# ISP Department-Initiated Suspension and Cancellation Procedure

## Purpose

To outline the steps that the Department of Education’s (DE or department) International Education Division (IED) and schools take to initiate the suspension or cancellation of an international student’s enrolment in the International Student Program (ISP).

This procedure should be read in conjunction with the [ISP Department-Initiated-Suspension and Cancellation Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Department_Initiated_Suspension_and_Cancellation_Policy.docx).

This document is intended for students (international students participating in the ISP as the primary holder of a subclass 500 Student – Schools visa) and their parents, education agents, DE (IED) staff, and schools.

## Roles and responsibilities

### Executive Director, IED

* Decide to suspend or cancel a student’s enrolment in a course, as assisted by DE (IED) staff and informed by school staff.
* Report any suspension or cancellation action in the Provider Registration and International Student Management System (PRISMS), as assisted by DE (IED) staff.
* Where DE (IED) suspends or cancels the enrolment of a student living in a homestay, ensure that the student continues to receive appropriate welfare arrangements, and direct the school regarding when to cease provision of welfare arrangements, as supported by DE (IED) staff.
* Maintain accurate and up-to-date records consistent with the [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx).

### DE (IED) staff

* Following a school’s notification of an issue potentially triggering a department-initiated suspension or cancellation of a student’s enrolment, undertake assessment and provide recommendation to the Executive Director, IED.
* Where DE (IED) suspends or cancels the enrolment of a student living in a homestay, assist the Executive Director, IED to discharge welfare and accommodation responsibilities.
* Provide advice and support to school staff to assist them to implement these procedures and the related policy.
* Maintain accurate and up-to-date records consistent with the [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx).

### Principal (or delegate)

* Escalate to DE (IED)’s attention student issues which could trigger a department-initiated suspension or cancellation.
* Fulfil obligations under the *Education and Training Reform* *Act* 2006 (Vic).

### School staff

* Ongoing monitoring, intervention and documentation regarding student issues which could result in a department-initiated suspension or cancellation.
* Escalate to Principal’s (or delegate’s) attention student issues which could trigger a department-initiated suspension or cancellation.
* Where DE (IED) suspends or cancels the enrolment of a student living in a homestay, continue to provide appropriate welfare arrangements for the student until otherwise directed by DE (IED).
* Maintain accurate and up-to-date records consistent with the [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx).

### Parent

* Comply with the Written Agreement.
* Assist the school to implement course progress, attendance or behaviour intervention strategies, if required.
* Appeal any decisions to suspend or cancel enrolment, where applicable, including notifying DE (IED) of any compassionate or compelling circumstances.

### Student

* Comply with the Written Agreement, relevant policies (including the [ISP Attendance Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Attendance_Policy.docx) and [ISP Course Progress Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Course_Progress_Policy.docx)) and school rules.
* Appeal any decisions to suspend or cancel enrolment, where applicable, including notifying DE (IED) of any compassionate or compelling circumstances.

## Procedure

These procedures are aligned to the [ISP Department-Initiated Suspension and Cancellation Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Department_Initiated_Suspension_and_Cancellation_Policy.docx), and the steps below are represented in the ISP IED-Initiated Suspension and Cancellation Flowchart (Appendix 1).

### Department-initiated suspension of a student’s enrolment

#### School staff

1. Ongoing monitoring, intervention and documentation regarding student issues which could result in a department-initiated suspension as outlined in the [ISP Department-Initiated Suspension and Cancellation Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Department_Initiated_Suspension_and_Cancellation_Policy.docx).
2. Discuss issues which could result in Department-initiated suspensions with the Principal (or delegate).

#### Principal (or delegate)

1. After discussions with school staff, report student issues which could result in a department-initiated suspension to DE (IED) by sending an email to international.school.support@education.vic.gov.au as follows:
	1. titled ‘(student name), Potential issue requiring student suspension, (school name)’
	2. outlining evidence of the issue and any compassionate or compelling circumstances
	3. attach any documentation regarding the school’s interventions and prior correspondence.
2. Comply with the *Education and Training Reform Act 2006* (Vic) if the student issues of concern include student discipline

#### School staff

1. Continue providing education and support to student, and ongoing monitoring, intervention and documentation regarding the student issue.

#### DE (IED) staff

1. Assess and compile information provided by schools regarding student issues potentially requiring department-initiated suspension action, including confirming whether the student and parent support the suspension, if applicable.
2. Consult with the Principal (or delegate), as required.
3. If evidence provided by the Principal (or delegate) is sufficient, prepare a recommendation to the Executive Director, IED.

#### Executive Director, IED

1. Based on the recommendation of the DE (IED) staff and evidence provided by schools, make a decision within five working days in line with the [ISP Department-Initiated Suspension and Cancellation Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Department_Initiated_Suspension_and_Cancellation_Policy.docx).

#### DE (IED) staff

1. If the Executive Director, IED’s decision is to:
	1. suspend the student’s enrolment in a course, issue a Notice of Intention to Suspend letter to the student and parent for suspension of the student’s enrolment. This letter includes a statement of findings and reasons for the decision, gives notice of intention to report the decision to the Commonwealth, information about their right to appeal, and the need to seek advice from DHA on the potential impact of suspension of enrolment on the student’s visa
	2. not suspend the student’s enrolment in a course, DE (IED) staff respond in writing to the school notifying them of the outcome, and that the school should continue its monitoring and interventions regarding the student issue and documenting these actions. Cease procedure.
2. If applicable, consider extending the duration of the student’s study as per the [ISP Variation to Student Enrolment Procedure](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Variation_to_Enrolment_Procedure.docx).

#### Parent and student

1. Where a Notice of Intention to Suspend letter is issued, decide whether to lodge an internal appeal within 20 working days.

#### Executive Director, IED

1. If an internal appeal is lodged, adhere to [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx). The suspension of enrolment only takes effect when one of the following conditions is met:
	1. the student’s health or wellbeing, or the wellbeing of others, is likely to be at risk
	2. the student does not appeal and the internal appeals period lapses
	3. the student notifies DE (IED) that they have withdrawn their appeal, in writing, or
	4. the internal appeal is unsuccessful (DE (IED) is not required to wait for the outcome of an external appeal before notifying in PRISMS).
2. When one of the previous conditions is met, as supported by DE (IED) staff, lodge notification in PRISMS as soon as possible (and within 14 days).

#### DE (IED) staff

1. Suspend student’s records in the Victorian International Students Information Tool (VISIT) and in PRISMS.
2. Notify Principal (or delegate) and school staff.

#### Principal (or delegate)

1. Liaise with school staff to manage arrangements for student during suspension period, which will be dependent on the circumstances. For students living in a homestay, this may include attending the school during school hours.
2. Liaise with DE (IED) and Region staff, if necessary.
3. Notify the homestay host, if relevant and appropriate.
4. Ensure student is appropriately supervised and accommodated during period of suspension, if applicable.
5. Contact student and parent, when the end of the suspension period is approaching to discuss the arrangements in place for the student’s return to school.
6. Reassess the situation after the suspension and determine if the suspension has been an effective way of managing the issue.
7. Consider the cancellation process, if required.

#### DE (IED) staff

1. Liaise with the Principal (or delegate) to provide advice and ensure an appropriate return to school for the student.

### Department-initiated cancellation of a student’s enrolment

#### DE (IED) staff

1. Ongoing monitoring and documentation regarding issues which could result in a department-initiated cancellation as outlined in the [ISP Department-Initiated Suspension and Cancellation Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Department_Initiated_Suspension_and_Cancellation_Policy.docx).

#### School staff

1. Ongoing monitoring, intervention and documentation regarding student issues which could result in a department-initiated cancellation as outlined in the [ISP Department-Initiated Suspension and Cancellation Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Department_Initiated_Suspension_and_Cancellation_Policy.docx).
2. Discuss issues which could result in department-initiated cancellations with the Principal (or delegate).

#### Principal (or delegate)

1. After discussions with school staff, report student issues which could result in a department-initiated cancellation to DE (IED) by sending an email to international.school.support@education.vic.gov.au as follows:
	1. titled ‘(student name), Potential issue requiring cancellation of student enrolment, (school name)’
	2. attach any documentation regarding the school’s interventions and prior correspondence.
2. Comply with the *Education and Training Reform Act 2006* (Vic) if the student issues of concern include student discipline or non-payment of fees.

#### School staff

1. Continue providing education and support to student, and ongoing monitoring, intervention and documentation regarding the student issue, including ensuring welfare arrangements maintained if relevant.

#### DE (IED) staff

1. Assess and compile information provided by schools (or identified by DE (IED)) regarding student issues potentially requiring department-initiated cancellation action.
2. Consult with the Principal (or delegate), as required.
3. If evidence provided by the Principal (or delegate) is sufficient, prepare a recommendation to the Executive Director, IED.

#### Executive Director, IED

1. Based on the recommendation of the DE (IED) staff and evidence provided by schools, make a decision within five working days in line with the [ISP Department-Initiated Suspension and Cancellation Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Department_Initiated_Suspension_and_Cancellation_Policy.docx).

#### DE (IED) staff

1. If the Executive Director, IED’s decision is to:
	1. not proceed with cancellation of the student’s enrolment, DE (IED) staff respond in writing to the school notifying them of the outcome, and that the school should continue its monitoring and interventions regarding the student issue and document these actions. Cease procedure
	2. initiate process to cancel the student’s enrolment, issue a Notice of Intention to Report letter to the student and parent for cancellation of the student’s enrolment. This letter includes a statement of findings and reasons for the decision, gives notice of intention to report the decision to the Commonwealth, information about their right to appeal, and the need to seek advice from DHA on the potential impact of cancellation of enrolment on the student’s visa Inform Principal (or delegate), school staff and other relevant DE (IED) staff.

#### Parent and student

1. Where a Notice of Intention to Report letter is issued, decide whether to appeal.

#### Executive Director, IED

1. If an appeal is lodged, adhere to the [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx). The cancellation of enrolment only takes effect when one of the following conditions is met:
	1. the student’s health or wellbeing, or the wellbeing of others, is likely to be at risk
	2. the student does not appeal and the internal appeals period lapses
	3. the student notifies DE (IED) that they have withdrawn their appeal, in writing, or
	4. for reasons:
		1. that are not related to course progress and attendance, the internal appeal is unsuccessful (DE (IED) is not required to wait for the outcome of an external appeal before notifying)
		2. related to course progress and attendance, the internal appeal is unsuccessful and the external appeal period ceases.
2. As supported by DE (IED) staff, lodge notification in PRISMS as soon as possible (and no longer than 14 days) that the student’s enrolment is cancelled.

#### DE (IED) staff

1. Cancel the student’s enrolment records in Victorian International Students Information Tool (VISIT).
2. Ask the student/parent to complete the [ISP Refund Request Form](https://www.study.vic.gov.au/Shared%20Documents/en/Refund-Request-Form.pdf), if eligible for a refund.
3. Review and assess the refund request in line with the [ISP Refund Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Refund_Policy.docx).

#### School staff

1. Ensure student is appropriately accommodated following cancellation and to facilitate the student’s departure, if the student is living in a homestay, consistent with the [ISP Homestay Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Homestay_Policy.docx).
2. Liaise with DE (IED) staff, if necessary.

#### DE (IED) staff

1. Continue to check the suitability of care arrangements until the international student:
	1. leaves Australia, or
	2. turns 18 years old, or
	3. transfers to another provider’s CAAW, or
	4. enters the care of a parent/legal guardian or DHA-approved relative.
2. Liaise with school staff to provide advice.

## Legislation

* *Education Services for Overseas Students Act 2000* (Cth)
* *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth)
* *Migration Act 1958* (Cth)
* *Education and Training Reform Act 2006* (Vic)
* *Ministerial Order 1125 (Procedures for Suspension and Expulsion of Students in Government Schools)*
* *Ministerial Order 819 – Fees for Overseas Students in Government Schools* (Vic)

## Related documents

* [ISP Terms, Conditions and Policies](https://www.study.vic.gov.au/en/brochures-and-forms/Pages/BrochureForms.aspx)
* [ISP Complaints and Appeals Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Policy.docx)
* [ISP Department-Initiated Suspension and Cancellation Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Department_Initiated_Suspension_and_Cancellation_Policy.docx)
* [ISP Course Progress Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Course_Progress_Policy.docx)
* [ISP Attendance Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Attendance_Policy.docx)
* [ISP Homestay Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Homestay_Policy.docx)
* [ISP Record Keeping Procedural Guidelines](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Record_Keeping_Procedural_Guidelines.docx)
* [ISP Refund Policy](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Refund_Policy.docx)
* [ISP Refund Request Form](https://www.study.vic.gov.au/Shared%20Documents/en/Refund-Request-Form.pdf)
* [School Policy on Expulsions](https://www2.education.vic.gov.au/pal/expulsions/policy)
* [School Policy on Suspensions](https://www2.education.vic.gov.au/pal/suspensions/policy)

## Related procedures

* [ISP Complaints and Appeals Procedure](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Complaints_and_Appeals_Procedure.docx)
* [ISP Variation to Enrolment Procedure](https://www.study.vic.gov.au/Shared%20Documents/en/School_Toolkit/ISP_Variation_to_Enrolment_Procedure.docx)

## Definitions

* **Compassionate circumstances** refers to circumstances that are not in the student’s control or created by the student and adversely impact on student welfare or course progress (for example, illness, bereavement or traumatic events may qualify), as assessed on a case-by-case basis.
* **Compelling circumstances** are circumstances which in the opinion of DE (IED) are in the student’s best interests, as assessed on a case-by-case basis.
* **DE (IED)** staff includes the Executive Officers, managers and employees (full time, part time, ongoing, fixed term, casual and contractor) of DE who work directly or indirectly with the ISP. This excludes staff of ISP-accredited schools.
* **Homestays** are international student accommodation arranged by schools where DE (IED) is responsible for the welfare of the student at all times, including outside school hours.
* **International students (students)** for the purpose of this policy are defined as students participating in the ISP who are applying for, or hold, a subclass 500 Student – Schools visa.
* **Parent** refers to the parent(s) or legal guardian(s) of an international student.
* **School staff** are employees of schools, for example – International Student Coordinator, Homestay Coordinator, Head of Department, Deputy Principal, and Principal.
* **Written Agreement** is an agreement with the international student or intending international student and their parent(s) or legal guardian(s), which includes Standard Terms and Conditions; signed by the international student as well as parent(s) or legal guardian(s). The Written Agreement cannot be signed or accepted on behalf of the student or their parent(s) or legal guardian(s) by an Agent.

## Policy maintenance officer

1. Manager, School Support Unit
2. International Education Division
3. Department of Education
4. Level 28, 80 Collins Street, Melbourne, Victoria 3000
5. Email: international.school.support@education.vic.gov.au
6. Phone: + 61 3 7022 1000

## Authorised

Executive Director, International Education Division

**Date of authorisation**: 01/09/2022

**Date last reviewed:** 19/03/2024

**Review frequency**: This procedure will be reviewed at minimum every 12 months or when any changes arise impacting its currency, including legislative or regulatory change.

## Appendix 1 – Department-initiated Suspension and Cancellation flowcharts

### Department-initiated suspension procedure

Department-initiated cancellation procedure

