

VET Student Loans Code of Practice: Self-Assessment Tool

Introduction

The Office of the Commonwealth Ombudsman (the Office) is an independent and impartial integrity agency. In 2017, the Office commenced its specialist role as the VET Student Loans Ombudsman (VSLO), and published a voluntary [VET Student Loans Code of Practice](#) (the Code) on 30 June 2021. A list of signatories to the Code can be found on the Office's [website](#).

The Office developed the Code to assist VET Student Loans (VSL) approved course providers to meet regulatory obligations and improve business practices. The Code is a series of best practice principles broken into 2 parts: provision of student services and handling of complaints.

Self-Assessment Tool

This tool will assist signatories to assess current practices against the Code's principles and identify areas for improvement. The below table records your overall performance against the principles. The following pages record your performance against individual principles, giving space to document potential improvements.

	Code of Practice Principles	Are we meeting this principle?
Provision of services to students		
1.	When marketing VSL approved courses and recruiting prospective students, providers will act ethically and be open and honest in their representations.	Y/N
2.	Before enrolment in a VSL approved course, and when applying for access to a VSL, providers will ensure both prospective and currently enrolled students are given accurate, complete and timely information to enable them to make informed decisions.	Y/N
3.	So that only genuine students accrue VSL debts, providers will ensure students are academically suited for the course they are enrolling in and regularly monitor student progression.	Y/N
4.	In the event a student defers or withdraws or disengages from their course, providers will be clear and timely with their communication. They will fully inform students of the impact on their enrolment and their VSL.	Y/N
5.	In the event of course cancellation or provider closure, providers will act ethically and meet their responsibilities to students.	Y/N
Handling of complaints by students		
6.	To effectively handle complaints, providers should create a culture in which complaints are valued and staff are well trained and supported to manage them.	Y/N
7.	Providers will make sure their complaints and appeals processes are made known to students, are free and easily accessible.	Y/N
8.	Providers will take ownership of their complaints by acknowledging complaints promptly and providing timely responses.	Y/N
9.	Providers will make sure that complaint outcomes and decisions are clearly communicated to students, including their review rights.	Y/N
10.	Providers should have a proactive complaint handling system which is part of their business operations, to identify and address systemic issues.	Y/N

Self-Assessment Completed by: _____

Date completed: __/__/____

Principles regarding provision of services to students using a VET Student Loan

Principle 1 – When marketing VSL approved courses and recruiting prospective students, providers will act ethically and be open and honest in their representations

Key references

- Sections 49 and 60–64 of the [VET Student Loans Act 2016 \(the VSL Act\)](#)
- Rules 135–143 of the [VET Student Loans Rules 2016 \(the VSL Rules\)](#)
- [VET Student Loans Manual for Providers](#) –4.10 – Marketing

Checklist

When marketing VSL approved courses and recruiting students, you:

- ensure all marketing of VSL approved courses prominently mentions key information as specified in the VSL Rules, including:
 - your provider name (and any other registered business names)
 - your provider registration code
 - the maximum tuition fees for the course
 - that students must meet the eligibility requirements to be approved for a VSL
 - that a VSL will result in a debt to the Commonwealth government.¹
- ensure that all marketing material complies with the [VET Student Loans Style Guide](#), particularly where the VSL logo is used.
- do not directly engage in or allow high-pressure selling techniques to enrol students.
- do not engage brokers or agents to:
 - directly enrol students or accept enrolment applications
 - provide information or advice in relation to VSL
 - assist students to complete VSL applications or related assessment tasks, or
 - engage in cold-calling or other forms of unsolicited contact.²
- represent VSL program fairly. This includes:
 - using marketing statements that are accurate, complete, clear and not misleading
 - making it clear that a VSL will need to be repaid.³
- only offer permitted benefits and inducements.⁴ Permitted benefits relate to the quality, content and value of courses. You may also provide marketing merchandise up to the value of AU\$30 per prospective student.⁵
- do not mention the possibility of a VSL in your social media marketing.⁶
- regularly monitor and review marketing and recruitment materials and practices.

¹ See rr140-142 of the VSL Rules

² See s49 and s62-63 of the VSL Act and r138 of the VSL Rules

³ See s60 of the VSL Act

⁴ See s61 of the VSL Act and r136 of the VSL Rules

⁵ See rs136 of the VSL Rules

⁶ See r143 of the VSL Rules

How do we meet principle 1?

What improvements should we make?

Principle 2 – Before enrolment in a VSL approved course, and when applying for access to a VSL, providers will ensure both prospective and currently enrolled students are given accurate, complete and timely information to enable them to make informed decisions.

Key references

- Sections 48, 50(1), and 57 of the [VSL Act](#)
- Rules 84–85 and 98–100 of the [VSL Rules](#)
- [VET Student Loans Manual for Providers](#)
 - 4.11 – Provision of Information to Students
 - 4.9 – Census Days
 - Appendix B – Checklist of information to be provided to students prior to enrolment
 - Appendix D – Sample VET Student Loans Fee Notice
 - Appendix E – Sample Commonwealth Assistance Notice

Checklist

When providing information to students prior to and during enrolment about the VSL program you:

- have clear, easily understandable, and accessible policies and procedures relating to:
 - the collection and verification of information relating to student applications for VSL
 - student entry and enrolment
 - withdrawal and cancellation of enrolment
 - fees and refunds
 - tuition protection
 - student grievances and/or complaints including review of decisions, and
 - re-crediting a VSL.⁷
- ensure timely information is provided to allow students to make informed and considered decisions.⁸
- are clear about how information will be provided. For example, by mail, by email or by direct referral to the website.
- inform students of all costs they may incur throughout a course. These include: tuition fees, loan fees, material fees and other costs that may arise, such as re-assessment fees.⁹
- publish tuition fees in an easily accessible location on your website.¹⁰
- are transparent about which parts of the course apply to each unit of study.
- inform students of fee periods and payment options, for example that tuition fees can be paid directly to the provider when due or via the VSL program (where eligible).
- provide students with clear information about census days, including that they will not incur a VSL debt if they withdraw prior to this date (for a particular course or part of the course).¹¹
- make all reasonable efforts to seek relevant information from students that could impact their ability to pay their fees using VSL, such as having accessed VSL for the same course with another provider.
- make all reasonable efforts to ensure VSL information is visible and accessible to all students, including those who are vulnerable or require special assistance. (This might include sending hard copies, for example, or referral to translation services.)
- tailor information to assist students with special needs. (This might involve, for example, consideration of factors such as visual or hearing impairments.)

⁷See s48(2) of the VSL Act and r85 of the VSL Rules

⁸ See s50 of the VSL Act

⁹ See r98 of the VSL Rules

¹⁰ See s57 of the VSL Act

¹¹ See r98(2) of the VSL Rules

- provide accurate information about the resources and services available to support students with learning and support needs during their course.
- make all reasonable efforts to ensure students are aware of their responsibilities, obligations, and rights concerning their VSL and that they understand what they are agreeing to. This includes providing information about:
 - eligibility criteria
 - the application process
 - the nature of the loan. (It should be made clear that the loan will be a personal debt to the Commonwealth government until repaid, and that this may affect a student's take-home salary or borrowing capacity.)
 - the student's option to seek independent financial advice
 - the maximum debt they may accrue for the course
 - fee periods and census dates
 - withdrawal prior to and after the census date, and
 - where to access key information on the website.¹²
- ensure that, once enrolled in the VSL program, students are issued with all notices within the required time periods. These include the VET Student Loan Fee notice and the Commonwealth Assistance notice.

How do we meet principle 2?

What improvements should we make?

¹²See r98 of the VSL Rules

Principle 3 – So that only genuine students accrue VSL debts, providers will ensure students are academically suited for the course they are enrolling in, and regularly monitor student progression.

Key references

- Sections 12 and 48 of the [VSL Act](#)
- Rule 80 of the [VSL Rules](#)
- [VET Student Loans Manual for Providers](#)
 - 4.7 – Student Administration
 - 4.14 – Data Reporting

Checklist

So that only genuine students accrue VSL debts, you:

- have fair, easily understandable policies and procedures relating to course entry and student progression.
- ensure that student entry procedures comply with the requirements of the VSL Rules. This includes evidence of the following:
 - completion of a Senior Secondary Certificate of Education or International Baccalaureate Diploma *or*
 - competence at Level 3 or above in the Australian Core Skills Framework (ACSF) *or*
 - competence at Level 4 or above in the Australian Qualifications Framework (AQF) or an internationally equivalent qualification assessed by an approved government agency.¹³
- have additional entry requirements where the minimum academic requirements do not reflect the level of underpinning skills and knowledge required to undertake the course.
- do not complete or assist students in completing any requirements for assessing their academic suitability to undertake a VSL approved course.¹⁴
- regularly monitor whether students are genuinely engaged in their course. This may include review of attendance records, academic progress, and, where online learning occurs, the frequency of login.
- have enrolment and charging arrangements that reflect the extent of the students' engagement with, and progression through, the course.
- keep data reporting on unit of study outcomes up to date and within the required timeframes.

How do we meet principle 3?

What improvements should we make?

¹³ See sr80 of the VSL Rules

¹⁴ See s12 of the VSL Act

Principle 4 – If a student defers or withdraws or disengages from their course, providers will be clear and timely with their communication and fully inform students of the impact on their enrolment and their VSL.

Key references

- Sections 48 and 68 of the [VET Student Loans Act](#)
- Rules 86 and 145–146 of the [VET Student Loans Rules](#)
- [VET Student Loans Manual for Providers](#)
 - 4.14 – Data Reporting
 - 4.7.3 – Determining genuine students
 - 4.7.6 – Student study deferment
 - 4.8 – Processes and Procedures
 - Appendix F – Notice of rights of review

Checklist

When a student defers, withdraws or disengages from the course, you:

- have fair, easily understandable policies and procedures relating to student deferral, withdrawal, and re-crediting of VSL debts where special circumstances apply. This should include notifying the department of the change in the student’s study status when submitting VSL data, and by the student through the eCAF progression form.
- provide transparent information to the student about the impact of their decision on their enrolment and their VSL debt.
- ensure that there are no financial, administrative or other barriers to withdrawal before the census date.¹⁵
- ensure that written permission is sought from the student before re-enrolling them in an approved course or part of an approved course.¹⁶
- ensure that special circumstances policies, procedures and definitions are compliant with the VSL Act and VSL Rules.

Special Circumstances¹⁷

- re-credit a VSL debt for the course or part of the course, if the student makes a written application within 12 months of the census date and you are satisfied that special circumstances apply.
- have considered, in assessing whether special circumstances apply, whether the student could attend classes, engage online or undertake private study to a sufficient level to complete their assessments and other course requirements.
- consider any additional circumstances including:
 - medical conditions
 - the student’s personal situation, including family issues
 - the student’s employment situation.
- notify the student as soon as practicable about their special circumstances application, provide a statement of the reasons for the decision, and a notice of rights of review.

¹⁵ See r86 of the VSL Rules

¹⁶ See r86 of the VSL Rules

¹⁷ See s68 of the VSL Act and rr145 - 146 of the VSL Rules

How do we meet principle 4?

What improvements should we make?

Principle 5 – In the event of course cancellation or provider closure, providers will act ethically and meet their responsibilities to students.

Key references

- Sections 48, 66B, 66C, 66D, 66F, 66G and 110 of the [VSL Act](#)¹⁸
- Rules 87 and 91 of the [VSL Rules](#)
- [VET Student Loans Manual for Providers](#)
 - 4 – Provider Obligations
 - 5 – Payment to approved course providers

Checklist

In the event of course cancellation you: (Table A providers exempt ¹⁹)

- have fair, clearly understandable and accessible policies and procedures about course cancellation and tuition protection, including the circumstances in which fees will or will not be refunded.
- notify all students in writing where provider default occurs and you do not deliver a course or part of a course. This notice must be delivered within 24 hours.²⁰
- make all reasonable attempts to directly contact and inform all students affected by cancellation or provider closure.
- make available to each student, an accurate and complete record of their progress towards each competency in their course of study.
- update your website to reflect that the course is no longer being provided and include tuition protection information.²¹
- notify the VSL Tuition Protection Director when a provider default occurs. The circumstances of the default must be advised in writing within 24 hours. Within 3 business days, deliver a written notice including:
 - the name and contact details of all affected students
 - details of the course/s and applicable tuition fees.²²
- provide the VSL Tuition Protection Director with any other documentation requested, such as statements of attainment and academic transcripts.²³
- provide the VSL Tuition Protection Director with information on suitable replacement courses where requested.²⁴
- ensure Tertiary Collection of Student Information (TCSI) data is up to date. This is particularly important for the study status of each student.

In the event of provider closure you (all providers):

- deal with or resolve any matter that arose during, or that relates to, the period when you were an approved VSL provider, including the submission of Audited Financial Statements.²⁵

In the event you are accepting displaced students because of a provider default you (all providers):

- grant course credit when evidenced by a statement of attainment or USI transcript.
- do not charge fees that students already paid for the affected part of the original course.
- enrol displaced students as soon as practicable.²⁶

¹⁸ Note: Providers who are exempt under section 66A(1)(b) of the VSL Act and rule 45 of the VSL Rules are not required to comply with sections 66B to 66D of the VSL Act, or rule 91 of the VSL Rules.

¹⁹ See s 16B of the *Higher Education Support Act 2003*

²⁰ See s 66D of the VSL Act

²¹ See r 91 of the VSL Rules

²² See s 66C of the VSL Act and r 91 of the VSL Rules

²³ See s 66C of the VSL Act

²⁴ See s 66F of the VSL Act

²⁵ See s 110 of the VSL Act

²⁶ See s66G of the VSL Act

How do we meet principle 5?

What improvements should we make?

Principles regarding the handling of complaints made by students to providers in relation to their VET Student Loan

Principle 6 – To effectively handle complaints, providers should create a culture in which complaints are valued and staff are well trained and supported to manage them.

Key references

- Commonwealth Ombudsman - [Better Practice Complaint Handling Guide](#)
- [VET Student Loans Manual for Providers](#) – 4.8.9 – *Processes and Procedures related to student complaints*

Checklist

To create an effective complaint handling culture you:

- have a senior manager with overall responsibility for managing complaints and communicating their value to the organisation.
- train staff at all levels to understand and comply with complaints management policies and procedures.
- provide staff with appropriate guidance, training and support to handle complaints.
- direct students to the complaints process when they experience a problem or have an issue.
- monitor staff performance to ensure complaints are handled properly and appropriate remedies are provided.

How do we meet principle 6?

What improvements should we make?

Principle 7 – Providers will make sure their complaints and appeals processes are made known to students and are free and easily accessible.

Key references

- Section 48 of the [VET Student Loans Act](#)
- Rule 88 of the [VET Student Loans Rules](#)
- Commonwealth Ombudsman - [Better Practice Complaint Handling Guide](#)
- [VET Student Loans Manual for Providers](#) – 4.8.9 – *Processes and Procedures related to student complaints*

Checklist

To ensure your complaints and appeals processes are known and easily accessible to students, you:

- have fair, understandable policies and procedures relating to complaints management ensuring the complaints process is simple, with as few steps as possible. This will reduce the risk of deterring students from raising complaints and avoid “complaint fatigue” where they may exit the process due to frustration.
- ensure your complaints procedures comply with the requirements of the VSL Act²⁷ and VSL Rules.²⁸ The procedures must:
 - allow for both academic and non-academic matters
 - outline the process for lodging and hearing a formal complaint
 - set out the stages of the complaints process including reasonable time periods for each stage
 - clarify that there will be no charges for either the internal or external stages of the complaint process
 - provide the complainant with written notice of all outcomes including:
 - the reason for the decision
 - how to appeal the decision internally
 - how to seek a review of the appeal outcome with an appropriate external body.
- publish clear information about your complaints process in various formats that are accessible to students, including online.
- allow students to make a complaint in a variety of ways (telephone, email, webform, mail).
- remove barriers to making complaints, such as fear of repercussions or only allowing complaints to be made via a student portal.
- ensure your complaints system is designed to consider the needs of students who are vulnerable, require special assistance or may have accessibility issues.

In the event of an appeal, you:

- ensure the person/s involved in the internal appeal are appropriately independent and qualified. This should be an independent senior officer, committee or unit with appropriate expertise.²⁹
- ensure the student is advised of their right to be accompanied or assisted by an appropriate third party, at their own expense, during the internal and external stages of the appeal.³⁰

²⁷ See s48 of the VSL Act

²⁸ See r88 of the VSL Rules

²⁹ See r88 (3) of the VSL Rules

³⁰ See sr88 (3) and (4) of the VSL Rules

How do we meet principle 7?

What improvements should we make?

Principle 8 – Providers will take ownership of their complaints by acknowledging complaints promptly and providing timely responses.

Key references

- Commonwealth Ombudsman - [Better Practice Complaint Handling Guide](#)
- [VET Student Loans Manual for Providers](#) – 4.8.9 - Processes and Procedures related to student complaints

Checklist

To ensure complaints are addressed in a timely manner, you:

- acknowledge all complaints within 2 business days.
- assess and triage complaints, assigning them with appropriate priority and delegation.
- resolve complaints as quickly as possible, preferably on the first contact if the complaint is straightforward.
- give complainants a contact number and, where possible, the name of a contact person they can speak to about their complaint. A reference number may also be appropriate.
- advise complainants of expected timeframes for each stage of the complaints process.
- provide regular updates to the complainant where the complaint will take longer than usual to investigate, or there is a delay.
- be alert to the needs of students who are vulnerable or require special assistance in understanding or navigating the complaint process.
- have regular internal reporting mechanisms so that unresolved complaints can be progressed or escalated to more senior staff, if necessary.
- professionally manage unreasonable behaviour of complainants.

How do we meet principle 8?

What improvements should we make?

Principle 9 – Providers will make sure they clearly communicate outcomes and decisions to students, including their review rights.

Key references

- Rule 88 (3) of the [VET Student Loans Rules](#)
- Commonwealth Ombudsman - [Better Practice Complaint Handling Guide](#)
- [VET Student Loans Manual for Providers](#)
 - 4.8.9 – Processes and Procedures related to student complaints
 - Appendix F – Notice of rights of review

Checklist

To ensure all complaint outcomes and review rights are clearly communicated to students you:

- consider all complaints with an open mind and without bias arising from any past issues with the student. Decisions must be merit based and consider all available evidence.
- provide a detailed written response to complaints that gives a clear explanation of the evidence considered, the decisions made and, where appropriate, the remedies proposed.
- ensure the written response provides the student with information on how to appeal the complaint both internally and externally if they remain dissatisfied with the decision.
- ensure the student is given written notice of the decision on appeal. This must include the reasons for the decision and advice about how to have the decision reviewed.³¹

How do we meet principle 9?

What improvements should we make?

³¹See r88 (3) of the VSL Rules

Principle 10 – Providers should have a proactive complaint handling system which is part of their business operations, to identify and address systemic issues.

Key references

- Commonwealth Ombudsman - [Better Practice Complaint Handling Guide](#)
- [VET Student Loans Manual for Providers](#) – 4.8.9 –Processes and Procedures related to student complaints

Checklist

To create a proactive complaint handling system, you:

- deal with complaints as part of core business, so that complaint handling is integrated with other business activities, including self-assurance processes. Ensure all staff are involved.
- regularly analyse complaints to see what is going wrong and what can be improved.
- regularly review the complaint system to assess its effectiveness.
- review and update policies and procedures if they are not working effectively for you or your students.

How do we meet principle 10?

What improvements should we make?