

ISSUES PAPER

COURSE PROGRESS AND ATTENDANCE

INTRODUCTION

All primary student visa holders have a mandatory visa condition (8202) imposed on their student visa which states:

You **must** maintain satisfactory attendance in your course and course progress for each study period as required by your education provider.¹

To maintain the integrity of the Australian Government's student visa program, education providers are required to report overseas students who fail to achieve satisfactory course progress and/or attendance to the Department of Education and Training (DET) and the Department of Immigration and Border Protection (DIBP). The authority for this is contained in s 19 of the *Education Services for Overseas Students Act 2000* (ESOS Act).

The National Code of Practice for Registration Authorities and Providers of Education and Training for Overseas Students 2007 (National Code) requires education providers to be proactive in warning and assisting students who are at risk of failing to meet course progress and/or attendance requirements.

If a student subsequently fails to achieve satisfactory course progress and/or attendance, the provider must notify the student in writing that it intends to report them. The written notice must inform the student that they are able to access the registered provider's complaints and appeal process. If the student is not satisfied with the result or the process of the internal complaint handling and appeals process, the provider must advise the student in writing of his or her right to access the external appeal process.

The Overseas Students Ombudsman (OSO) is a statutorily independent complaints and appeals body for overseas students with private registered providers. The third and fourth most common type of complaints or appeals we receive are unsatisfactory course progress and attendance appeals.

This issues paper sets out the systemic issues we see in education providers' monitoring and reporting of overseas students for unsatisfactory course progress and attendance. Our observations are based on our experience in investigating external appeals over the past four years.

After examining 169 course progress and 279 attendance external appeals², we have noted both good and poor practices. We have developed an understanding of what constitutes best practice for course progress and attendance monitoring. In many cases poor practices have resulted in us recommending that the provider not report

¹ www.immi.gov.au/students/visa-conditions-students.htm

² From 9 April 2011 – 9 April 2015.

the student as the proper process had not been followed. In other cases, providers have followed all the required processes and we found the provider was required to report the student as their course progress and/or attendance was unsatisfactory.

Education providers can use our insights to monitor whether they are meeting best practice or to improve their monitoring and reporting of course progress and attendance. Similarly, providers can use these insights to inform their consideration of course progress and attendance internal appeals.

COURSE PROGRESS AND ATTENDANCE MONITORING

The National Code sets out Standards for Registered Providers. Standard 10 relates to course progress and Standard 11 to attendance (**Attachment A**).

When we investigate a course progress and/or attendance appeal from an overseas student, we consider whether the provider has complied with each part of the relevant National Code Standard. We also consider whether the provider has complied with its own policy.

COURSE PROGRESS – IMPLEMENTING BEST PRACTICE

Standard 10 requires providers to monitor overseas students' course progress and to activate an intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements. Where the provider has assessed the student as not achieving satisfactory course progress, it notifies the student of its intention to report the student, subject to the outcome of the complaints and appeals process. If the student chooses to access the appeals process, their enrolment must be maintained while the process is ongoing.

Best practice - course progress - case study A

A student failed to pass more than 50 per cent of his subjects in a semester. His provider sent him a letter stating he was at risk of failing to meet satisfactory course progress and inviting him to a meeting to discuss his course progress.

The provider put an intervention strategy in place, which included the student changing to another course in the same course sector. The provider also placed the student on conditional enrolment status and advised him of the support it offered to assist students with study skills and other issues.

Unfortunately, the student failed to pass enough units the next semester and the provider sent him the notice of intention to report. He lodged both an internal and external appeal. We considered the appeal and found that the provider had followed Standard 10 and its course progress policy correctly. We explained our decision to the student and gave the student an opportunity to comment before we advised the provider that it was required to report the student.

Best practice involves meeting all the requirements of Standard 10 to give overseas students the best chance of succeeding in their studies. For example:

- The provider has a course progress policy that clearly defines:
 - what the provider considers to be satisfactory and unsatisfactory course progress
 - when the student will be deemed to be at risk of not meeting satisfactory course progress
 - what the provider's intervention strategy is to assist at risk students to improve to satisfactory levels
 - when the intervention strategy will be implemented, which should be as soon as the student is identified as being at risk of failing to meet satisfactory course progress
 - the point at which the student will be assessed as having failed to meet satisfactory course progress
 - the student's right to lodge an internal and external appeal within certain timeframes before being reported.
- The provider follows its own course progress policy in practice, including implementing the intervention strategy as soon as the student is identified as being at risk of failing.

Best practice intervention strategies

An intervention strategy may include any number of actions to intervene and assist students who are at risk of failing to meet course progress. The aim of an intervention strategy is to help the student improve their course progress to a satisfactory level. Appropriate intervention strategies may vary according to the education sector, the course and the student, but may include some of the following:

- advising the student of available study skills workshops, academic counselling, English language support or other support the provider may offer
- requiring the student to meet regularly with a provider staff member/s to review their progress, before the end of the next study period
- reducing the student's study load temporarily or changing their enrolment to another subject area if this is agreed between the student and provider
- requiring the student to submit assignments or complete assessments within a certain timeframe
- requiring the student to attend a minimum percentage of classes (note: some providers include attendance as a component of satisfactory course progress. Intervention strategies in this case may include make-up classes. Other providers do not require attendance in normal circumstances but may require an at-risk student to attend a set level of classes to help them improve their course progress)
- referring the student to other support services that may be relevant, e.g. counselling for personal issues, appropriate medical services, housing services, financial counselling services
- considering a period of deferment or temporary suspension of studies

- putting a written intervention plan in place with the student to confirm the steps they are required to take, which may include participating in some of the above actions.
- If, despite the implementation of the intervention strategy, the student is assessed as having failed to meet satisfactory course progress, the provider sends the notice of intention to report to the student with details of the complaints and appeals process, including that the student has 20 working days in which to do so.
- If the student lodges an internal appeal and is not satisfied with the result or the conduct of the appeal, the provider advises the student of their right to lodge an external appeal within a certain timeframe.
- If the student lodges an external appeal within the provider's timeframe, the provider does not report the student until this process is complete.
- If the external complaints and appeals body hands down a decision that supports the student, the provider immediately implements any decision and/or corrective and preventative action required and advises the student of the outcome.

Best practice - course progress - case study B

A student commenced his studies with his provider in semester one, 2013, in a Diploma of Engineering. He failed three out of six subjects in semester one and was placed on probation 1 in semester two. In the third semester he was approved to take a leave of absence due to ill health. He returned to study in semester one of the following year and was placed on probation 2 due to his previous poor academic performance. He failed more subjects in semester one and the provider issued a Notice of Intention to report for unsatisfactory academic progress. The student lodged an internal appeal and requested a change of program to a Diploma of Hotel Management in semester two, 2014. The provider approved the application to transfer to allow the student one last opportunity to succeed in his studies.

The student commenced his course. In week nine of the semester he was identified as being at risk due to poor course progress and attendance to date. The provider emailed the student in relation to his course progress and offered information about academic support, including information about assignment help and an exam stress management program.

The student applied for deferred mid-semester examinations for two subjects, which he attended. However, he failed to attend one of the final deferred examinations. On finalisation of his results at the end of the semester, he was assessed as not meeting the course progress requirements for his course. His provider sent the notice of intention to report and the student lodged an internal appeal with the provider, which was unsuccessful. The student lodged an external appeal with us. We found the provider had followed Standard 10 and its course progress policy correctly and therefore it was required to report the student. We explained the rules to the student and why we had found his provider was required to report him.

COURSE PROGRESS – EXAMPLES OF POOR PRACTICE

We have seen a number of poor practices and deficiencies in the way providers monitor, or fail to adequately monitor and report on, course progress. This may be due to a lack of understanding of the National Code requirements, the provider's own course progress policy, deficiencies in the way the policy has been written, a lack of staff training or the provider's work practices have evolved and changed from the written policy, which has not been updated as it should have been.

Poor practice - course progress - case study C

A provider had placed an overseas student on academic probation after the student had been successful in appealing a previous intention to report her for unsatisfactory course progress. As a condition of her re-enrolment, the provider stated she must pass all her subjects or she would be reported, without the right to appeal.

The provider had appointed a lecturer to conduct the intervention strategy for the student while she was on probation. The student was required to meet with the lecturer regularly to review her progress. The lecturer rescheduled one of the meetings at very short notice and the student did not receive the email requesting that she come at an earlier time. She attended at the original time, at which point the lecturer told her that as she had failed to attend at the earlier time, she had cancelled the intervention strategy. The provider subsequently reported her without giving her an opportunity to appeal.

We decided it was open to the provider to have a course progress policy that stated it could re-enrol a student on probation with conditions. However, we found the provider could not limit the student's right to appeal, which is conferred by Standard 10 and Standard 8 (complaints and appeals) of the National Code.

We also found it was not reasonable for the lecturer to cancel the student's intervention strategy in the way she had, and the provider's course progress policy did not support this action. We also identified that the provider had failed to create a Confirmation of Enrolment (CoE) for the student for part of the reporting period.

We recommended the provider write to DIBP and advise it had incorrectly reported the student without first giving her appeal rights. We also recommended the provider contact the PRISMS helpdesk to rectify the gap in CoEs to ensure there were no adverse consequences for the student's immigration status or future visa options.

The following examples of poor practice are drawn from real cases we have investigated:

- The provider's course progress policy does not define satisfactory and unsatisfactory course progress. Therefore, the provider cannot assess when students have failed to meet satisfactory course progress or report any students, as required by Standard 10 of the National Code and s 19 of the ESOS Act.
- The provider does not identify students who are at risk of failing to meet satisfactory course progress and allows them to continue to study and fail.

- The provider fails to implement an intervention strategy for at risk students, implements the intervention strategy too late or cancels it midway without sufficient warning to the student or support in the provider's course progress policy.
- The provider's course progress policy does not state the point at which the student will be deemed to have failed (or the provider does not follow its policy). Therefore, the provider allows the student to keep studying and failing through consecutive study periods, without reporting the student as required.
- The provider sends the Notice of Intention to report to the wrong student address meaning the student was not aware of their right to appeal before being reported.
- The provider correctly notifies the student of its intention to report them, but fails to advise the student of their right to lodge an internal appeal first.
- The provider considers the student's internal appeal, but does not consider whether it has followed all parts of Standard 10 of the National Code and its course progress policy correctly.
- The provider fails to provide the student with written reasons for its decision to affirm the internal appeal decision, and/or fails to tell the student they have the right to lodge an external appeal about the decision.
- The provider reports the student on different grounds than those contained in the intention to report (e.g. misbehaviour instead of unsatisfactory course progress).

Poor practice – course progress - case study D

A provider had a course progress policy that defined satisfactory course progress and students at risk of failing to meet satisfactory course progress. It also stated when it would activate the intervention strategy to assist at-risk students. However, the policy did not define unsatisfactory course progress or the point at which the student would be assessed as having failed to meet satisfactory course progress, after the intervention strategy had been implemented.

As a result the provider was allowing students to continue to study and fail multiple additional semesters after an intervention strategy was implemented, before finally deciding to report them without any consistent reference point for when it finally sent the Notice of Intention to report.

We also found the provider did not always activate the intervention strategy as soon as the student was identified as being at risk and did not identify every student as soon as they failed more than 50 per cent of their subjects in a semester, in accordance with its course progress policy.

We recommended the provider revise its course progress policy to define the point at which a student would be assessed as having failed to meet satisfactory course progress and, therefore, when the provider would send the notice of intention to report.

ATTENDANCE – IMPLEMENTING BEST PRACTICE

Standard 11 does not apply to Higher Education courses. Standard 11 only applies to courses in the following education sectors:

- schools
- English Language Intensive Courses for Overseas Students (ELICOS)
- Vocational Education and Training (VET)
- non-award.

In addition, Standard 11.2 states that VET providers who implement DET-DIBP Course Progress Policy and Procedures for CRICOS Providers of VET Courses are not required for ESOS purposes to monitor and report on attendance for those courses.

Providers subject to Standard 11 are required to monitor overseas students' attendance and to contact and counsel students identified as at risk of failing to meet satisfactory attendance requirements. Standard 11 requires that students attend at least 80 per cent of the scheduled course contact hours. Additionally, if a student is absent for more than five consecutive days, a provider must also contact and counsel the student.

If the student's attendance falls below the minimum projected level, the provider must notify the student that it intends to report them, subject to the student's right of appeal. If the student's attendance is below 80 per cent but still at or above 70 per cent, Standard 11 gives discretion to providers to not report if certain conditions are met, depending on the education sector of the course. This may include considering if there is evidence that compassionate and compelling circumstances apply.

Best practice – attendance - case study E

A student failed to commence his course. On day three of the first week, the provider contacted him by telephone and email advising he must come to class. The student advised the same day he would attend from week two. Four days later, the provider sent the first written warning letter, advising him to contact the course coordinator to discuss his attendance. A week later, the provider sent a further attendance warning. The next day the student met with the course coordinator, was counselled about his attendance and signed a provisional enrolment contract acknowledging the provider's attendance conditions. However, the student continued to miss some classes. He was counselled again and provided medical certificates to cover some but not all of his absences.

The student missed further classes and his projected attendance fell below 80 per cent, at which time the provider sent him the Notice of Intention to report. The student lodged an internal appeal but was unsuccessful. He then appealed to us. We found the provider had complied with Standard 11 and its attendance policy and was therefore required to report the student. We explained our reasons to the student.

Best practice involves meeting all the requirements of Standard 11 to help students maintain satisfactory attendance. For example:

- the provider has a clear attendance policy that states the minimum attendance requirements (80 per cent).
- the provider's attendance policy states the period over which the provider will monitor and report on attendance (e.g. one study period, the total length of the course or the period of the CoE).
- the provider's attendance policy states when and how the provider will contact the student to warn them if they are at risk of falling below 80 per cent attendance of the scheduled course contact hours, or are absent for more than five consecutive days.
- the provider's attendance policy states how attendance will be recorded and calculated, including how the provider will count absences covered or not covered by a medical certificate or lateness/early departures from class etc.
- the provider's attendance policy is readily available to students and explained at orientation.
- the provider keeps accurate attendance records and calculations which can be replicated by an external appeal body.
- the provider records attendance over the stated reporting period and sends warnings and the Notice of Intention at the right time to the student's correct last notified address.
- the provider advises the student of their internal appeal rights when notifying the student of its intention to report them for unsatisfactory attendance.
- if the student lodges an internal appeal, the provider considers whether it has followed all parts of Standard 11 and its attendance policy correctly, including checking its attendance records and calculations.
- if the student's attendance is between 70 and 80 per cent, the provider considers whether it has discretion not to report the student if that decision is consistent with its attendance policy and either the student has satisfactory course progress (VET and non-award courses) or the student produces documentary evidence clearly demonstrating that compassionate and compelling circumstances apply (schools and ELICOS courses).
- if the internal appeal is unsuccessful, the provider gives the student a written outcome with details of the reasons for the outcome and advice of their external appeal rights.
- If the student lodges an external appeal, the provider awaits the outcome before reporting the student.
- if the outcome of the external appeal results in a decision that supports the student, the provider immediately implements any decision and/or corrective and preventative action required and advises the student of the outcome.

Best practice – attendance - case study F

A provider had monitored a student's attendance, sent the warning letters and tried to counsel her about the consequences should her attendance continue to fall. However, the student did not engage with or communicate with the provider about her circumstances. The provider finally sent the student a Notice of Intention to report. The student appealed but did not provide evidence of compassionate and compelling circumstances.

The student then lodged an external appeal with us. She provided a medical certificate from an emergency room doctor stating that she had a serious medical condition, which would prevent her from completing her studies that term and recommending the provider grant her a deferral.

Unfortunately, the student had not provided this certificate to the provider so the provider had not been able to consider it either at the time it was written (early in the study period) or at the internal appeal stage. We recommended that the provider process a retrospective deferral under Standard 13 on compassionate and compelling grounds for the student for the study period, rather than reporting her under Standard 11 for unsatisfactory attendance.

ATTENDANCE – EXAMPLES OF POOR PRACTICE

We have seen a number of poor practices and deficiencies in the way providers monitor, contact, counsel and notify students that they intend to report them for unsatisfactory attendance. We have also seen problems in providers' consideration of internal appeals relating to poor attendance. This may be due to a lack of understanding of the National Code requirements, the provider's attendance policy, deficiencies in the way the policy has been written, a lack of staff training or the provider's work practices have evolved and changed from the written policy, which has not been updated as it should have been.

Poor practice – attendance - case study G

We received an external appeal from a student with below 80 per cent attendance. However, when we investigated we found the provider had failed to contact and counsel the student about their attendance, either after they had been absent for more than five consecutive days or before their projected attendance for the study period fell below 80 per cent. We also found the provider's attendance policy did not state over what period it would monitor and report on attendance so the student did not know if this would be done by CoE, term or semester.

We recommended the provider not report the student and revise its policy to include the period over which it monitored and reported on attendance. We also recommended it improve its processes to ensure in future it could identify, contact and counsel students who were absent for more than five consecutive days or otherwise at risk of failing to meet satisfactory attendance requirements, before their attendance fell below 80 per cent, while they still had time to change their pattern of attendance and avoid being reported.

The following examples are drawn from real cases we have investigated:

- The provider's attendance policy does not state the minimum attendance percentage required so the student cannot know what is expected or when they may be warned or reported. The provider cannot report a student for failing to attend a certain percentage of classes when this percentage is not stated in its attendance policy.
- The provider's attendance policy does not state the period over which the student's attendance will be calculated (e.g. one study period, total course length, length of CoE). Therefore, the student does not know over what period their attendance will be calculated or when they may be at risk of being reported. The provider cannot calculate the student's attendance if the reporting period was not clearly stated in the policy.
- The provider records, calculates, monitors and reports over a different period than that stated in its attendance policy. For example, a provider reports over a term when its policy says it will report over a semester. Alternatively, the provider reports past the end of a CoE or over multiple CoEs, including gaps when no CoE was in place, when its attendance policy states its reporting period is one CoE.
- The provider's attendance policy contradicts Standard 11 of the National Code; for example, by stating that the provider will not report a student if their attendance is between 50 and 80 per cent when the provider only has discretion to consider not reporting if attendance is at least 70 per cent.
- The provider is unable to explain to the external appeal body how it calculated the student's attendance or over what period and therefore the provider's calculation cannot be replicated.

Poor practice – attendance - case study H

A student lodged an external appeal with us regarding their provider's intention to report them for unsatisfactory attendance. We requested clarification from the provider as we were not able to replicate the provider's attendance calculations using the attendance records it had given us. It was also not clear for what period the provider intended to report the student.

The provider gave us different explanations, including that it had monitored the student's attendance across multiple CoEs and across gaps in enrolment. In the end the provider said it could not work out what it had done, what period it had monitored over and how it had calculated the student's attendance.

We advised we would find in support of the student on the basis that the provider could not confirm over what period it had calculated the attendance and therefore we could not confirm that it had done so correctly and sent the warning letter at the right time. We recommended the provider improve its attendance-keeping system to avoid this problem recurring.

- The provider miscalculates the student's attendance by calculating current attendance rather than projected attendance and therefore sends warnings at the wrong time.
- The provider miscalculates the student's attendance by including public holidays or other days when no classes were scheduled.
- The provider miscalculates the student's attendance by including lateness to class/early departures in the absence calculations when the provider's attendance policy does not state the provider will do this and the student is not on notice that attendance/absences will be counted in this way.
- The provider fails to send the warning to the student after more than five consecutive days of absence or before the student falls below 80 per cent projected attendance. This deprives the student of the intended opportunity to change their behaviour to maintain satisfactory attendance and avoid falling further and being reported.
- The provider sends unclear warnings that confuse current and projected attendance and does not state the period of the course or study period.
- The provider's warning does not state what the consequences are of being at risk of failing to meet satisfactory attendance, i.e. being reported to DIBP so the student does not understand the meaning or significance of the warning.
- The provider's warning is not sent to the parent/legal guardian for under 18-year-old overseas students, particularly when the provider's attendance policy states it will.
- Similarly, the notice of intention to report is not sent to the parent/legal guardian for under an under 18-year-old student.
- The provider's warning or notice of intention to report is sent to the wrong address, not the student's last notified address.
- The provider does not send the notice of intention to report until after the student has fallen below 70 per cent projected attendance, so the provider no longer has discretion not to report based on compassionate and compelling circumstances.
- The provider's notice of intention to report fails to advise the student of their right to lodge an internal appeal.
- The provider sends the student a notice of intention to report for unsatisfactory attendance under Standard 11 when the student has never commenced the course or inactively advised cessation of studies by not returning after a deferral/holiday break. In this case the provider should instead have reported the student within 14 days of that event occurring under s 19(1)(c) or s 19(1)(d) of the ESOS Act.
- If the student lodges an internal appeal, the provider fails to consider whether it has followed all parts of Standard 11 and its attendance policy correctly, including checking its attendance records and calculations.

- The provider decides the internal appeal in support of the student but places conditions on this decision and later reverses this decision and reports the student.
- The provider decides the internal appeal is unsuccessful but fails to provide written reasons for the decision or advice of external appeal rights.

CONCLUSION

Education providers with overseas students can learn from the best and poor practices of others in monitoring and reporting on course progress and attendance under the ESOS framework. The intention of these requirements is for providers to assist students to fully engage with their studies and give them sufficient opportunity to improve, before reporting those students who ultimately fail to meet satisfactory course progress and/or attendance. This supports the integrity of Australia's international education sector and Australia's student visa program.

We trust that our observations in this paper on the systemic issues we see will assist providers to comply with their legislative requirements, improve their policies and practices and the consideration of internal appeals concerning course progress and attendance.

We note DET is currently reviewing the ESOS Framework, including the ESOS Act and the National Code 2007. This could result in changes to the course progress and attendance requirements. In the meantime, we hope our observations are useful for providers administering the current ESOS requirements. We would be happy to present these observations to providers at key events.

ATTACHMENT A: NATIONAL CODE 2007 STANDARDS

Standard 10 – Monitoring course progress

Outcome of Standard 10

Registered providers systematically monitor students' course progress. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet course progress requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the course progress requirements.

- 10.1 The registered provider must monitor, record and assess the course progress of each student for each unit of the course for which the student is enrolled in accordance with the registered provider's documented course progress policies and procedures.
- 10.2 The registered provider must have and implement appropriate documented course progress policies and procedures for each course, which must be provided to staff and students, that specify the:
 - a. requirements for achieving satisfactory course progress
 - b. process for assessing satisfactory course progress
 - c. procedure for intervention for students at risk of failing to achieve satisfactory course progress
 - d. process for determining the point at which the student has failed to meet satisfactory course progress, and
 - e. procedure for notifying students that they have failed to meet satisfactory course progress requirements.
- 10.3 The registered provider must assess the course progress of the student in accordance with the registered provider's course progress policies and procedures at the end point of every study period.
- 10.4 The registered provider must have a documented intervention strategy, which must be made available to staff and students, that specifies the procedures for identifying and assisting students at risk of not meeting the course progress requirements. The strategy must specify:
 - a. procedures for contacting and counselling identified students
 - b. strategies to assist identified students to achieve satisfactory course progress, and
 - c. the process by which the intervention strategy is activated.
- 10.5 The registered provider must implement the intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements. At a minimum, the intervention strategy must be activated where the student has failed or is deemed not yet competent in 50% or more of the units attempted in any study period.
- 10.6 Where the registered provider has assessed the student as not achieving satisfactory course progress, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory course progress. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.
- 10.7 Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered provider must notify the Secretary of DEST through PRISMS of the student not achieving satisfactory course progress as soon as practicable.

Standard 11 – Monitoring attendance

Outcome of Standard 11

Registered providers systematically monitor students' compliance with student visa conditions relating to attendance. Registered providers are proactive in notifying and counselling students who are at risk of failing to meet attendance requirements. Registered providers report students, under section 19 of the ESOS Act, who have breached the attendance requirements.

- 11.1 The registered provider must record the attendance of each student for the scheduled course contact hours for each CRICOS registered course in which the student is enrolled which is:
- a. an accredited vocational education and training course (unless Standard 11.2 applies)
 - b. an accredited school course
 - c. an accredited or non-award ELICOS course, or
 - d. another non-award course³.
- 11.2 Where the registered provider implements the DEST and DIAC approved course progress policy and procedures for its vocational education and training courses, Standard 11 does not apply.
- 11.3 For the courses identified in 11.1, the registered provider must have and implement appropriate documented attendance policies and procedures for each course which must be provided to staff and students that specify the:
- a. requirements for achieving satisfactory attendance, which at a minimum, requires overseas students to attend at least 80 per cent of the scheduled course contact hours
 - b. manner in which attendance and absences are recorded and calculated
 - c. process for assessing satisfactory attendance
 - d. process for determining the point at which the student has failed to meet satisfactory attendance, and
 - e. procedure for notifying students that they have failed to meet satisfactory attendance requirements.
- 11.4 For the courses identified in 11.1, the registered provider's attendance policies and procedures must identify the process for contacting and counselling students who have been absent for more than five consecutive days without approval or where the student is at risk of not attending for at least 80 per cent of the scheduled course contact hours for the course in which he or she is enrolled (i.e. before the student's attendance drops below 80 per cent).
- 11.5 For the courses identified in 11.1, the registered provider must regularly assess the attendance of the student in accordance with the registered provider's attendance policies and procedures.
- 11.6 Where the registered provider has assessed the student as not achieving satisfactory attendance for the courses identified in 11.1, the registered provider must notify the student in writing of its intention to report the student for not achieving satisfactory attendance. The written notice must inform the student that he or she is able to access the registered provider's complaints and appeals process as per Standard 8 (Complaints and appeals) and that the student has 20 working days in which to do so.
- 11.7 Where the student has chosen not to access the complaints and appeals processes within the 20 working day period, withdraws from the process, or the process is completed and results in a decision supporting the registered provider, the registered

³ For the purposes of the National Code, non-award courses do not include higher education courses or units, including Study Abroad courses.

provider must notify the Secretary of DEST through PRISMS that the student is not achieving satisfactory attendance as soon as practicable.

- 11.8 For the vocational education and training and non-award courses identified in 11.1.a and 11.1.d, the registered provider may only decide not to report the student for breaching the 80 per cent attendance requirement where:
- a. that decision is consistent with its documented attendance policies and procedures, and
 - b. the student records clearly indicate that the student is maintaining satisfactory course progress, and
 - c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled.
- 11.9 For the ELICOS and school courses identified in 11.1, the registered provider may only decide not to report a student for breaching the 80 per cent attendance requirement where:
- a. the student produces documentary evidence clearly demonstrating that compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes) apply, and
 - b. that decision is consistent with its documented attendance policies and procedures, and
 - c. the registered provider confirms that the student is attending at least 70 per cent of the scheduled course contact hours for the course in which he or she is enrolled.