



Australian Government

Department of Education, Science and Training

**DEST
ESOS REGULATION UNIT**

**COMPLIANCE MONITORING PACKAGE
REPORT SUMMARIES
AND TEST UNITS**

May 2006



CASE INFORMATION

Case number	
Date case opened	
Provider name	
Trading as	
CRICOS Code	
Date of compliance visit	

Was follow up action required? YES/NO
Was follow up action completed? YES/NO Date:
Was the provider referred to YES/NO Date:
Enforcement?

Date case closed: _____ Team Leader: _____

CASE TIME RECORD

Pre-Visit (hours)	
Visit (hours)	
Post-Visit (hours)	
Total ERU time	

Provider time collecting information requested by ERU (hours)	
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VISIT PLAN

Create case in CCMS		<input type="checkbox"/>
	Case Manager	
	Visit Leader	
Notify the provider		<input type="checkbox"/>
Collect information from PRISMS		<input type="checkbox"/>
Liaise with DIMA		<input type="checkbox"/>
Liaise state or territory authorities		<input type="checkbox"/>
Administrative arrangements	Visit date and time	
	Provider contact details	
	Flights booked	<input type="checkbox"/>
	Accommodation booked	<input type="checkbox"/>
	Travel approval	<input type="checkbox"/>
Finalise visit plan	Sample student names recorded	<input type="checkbox"/>
	Provider information [due date]	
	Provider information [rec'd date]	
	Provider information reviewed	<input type="checkbox"/>
	Part 1 of test units summary completed	<input type="checkbox"/>
Materials arranged	ID Cards for each member of the visit team	<input type="checkbox"/>
	Copies of the National Code and Act to give the provider if needed	<input type="checkbox"/>
	Copies of relevant provider information sheets to give to provider	<input type="checkbox"/>

PRE-VISIT PRISMS REVIEW AND STUDENT SAMPLE FILE SELECTION

Provider background review	<p>Review the provider information available in PRISMS using the 'Individual Provider' report and the 'COE Statistics' report. Become familiar with the size and type of provider. Make a note of any unusual information or trends, such as a very high proportion of cancelled COEs.</p>	<p><u>Notes</u> Student capacity: Total currently studying students:</p>
	<p>Review the provider file for previous provider history. Make note of any issues which may need particular attention during the compliance review.</p>	<p><u>Notes</u></p>
Risk matrix information	<p>Update the risk matrix if required. Note the risk rating.</p>	<p><u>Risk Rating:</u></p>
<p>Student sample file selection</p> <p>Minimum file numbers to be sampled from each size of provider;</p> <p>1-500 students: 10</p> <p>501 or more students: 20</p>	<p>[This section has been removed from the public version of this document]</p>	<p>Record names on the Provider Information Request Sheet, next page</p> <p><u>Notes</u></p>
Documents required during the visit	<p>Note here any documents identified during the pre-visit review which you will want to see during the visit.</p>	<p>(Record any documents required on the Provider Information Request Sheet, next page)</p>

Provider information request

Can you please provide the documents indicated below;

	Student name	Student file	Attendance records (class rolls & summary)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

Can you also please provide any **documents** listed below;

Documents required

SUMMARY OF REVIEW PART 1

Summary of pre-visit testing

Act	Compliance			Evidence folio no.	Notes
	YES	NO	N/A		
s12					
s22					
s23					
s24					
s25					
s107					
s175					

SUMMARY OF REVIEW PART 2

Summary of visit testing

Act/ Code	Compliance			Evidence folio no.	Notes
	YES	NO	N/A		
s18					
s19(1)					
s19(2)					
s20					
s21					
s27-29					
p27-28					Note: National Code requirement – for advice only
p45-48					Note: National Code requirement – for advice only
p49					Note: National Code requirement – for advice only
p50					Note: National Code requirement – for advice only

ENTRANCE INTERVIEW

Interview date & time		
Introduce representatives and record who is present	DEST representatives	
	Other government representatives (name & organisation)	
	Provider representatives (name & position)	
Complete Monitoring Consent Form		
Outline scope & purpose of the visit		
Reinforce educative aim of visit		
Reconfirm likely duration of visit and outline of activities		
Note that during the visit you will give provider feedback on documents previously supplied to DEST		
Give the provider the list of names and documents which will be required		
Ask for a brief inspection of the facility at some stage during the visit		
Ask the provider approximately how long it took to collate the information requested in the notification of compliance visit and record in the Case Time Record		
Note any issues raised during the entrance interview for later review		

EXIT INTERVIEW

Interview date & time		
Record people present (if different from entrance interview)		
Thank the provider for their time & assistance		
Present the Provider Compliance Report		
Note any follow-up action you propose		
Note the timeframes for any required responses to any breaches		
Were any serious breaches of the Act noted during the review discussed with the provider?	Yes	No
Provide relevant Information Sheets		
Offer to answer any questions from the provider		
Summary of breaches to discuss during exit interview		
Section	Notes	

Testing Units Part 1

Fund contributions and charges

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes
s12	Initial registration charge must be paid within 28 days after notification	Current registration noted in PRISMS	Does PRISMS show that the payment was received?				
			Does PRISMS show that the payment was received by the due date?				
s12 Compliance Summary				Does the provider comply with this requirement?			Yes <input type="checkbox"/> No <input type="checkbox"/>
Comments							
s22	Except for exempt providers: registered providers must be a member of a tuition assurance scheme . Each course offered must be covered by a TAS.	TAS status or exemption noted in PRISMS	Does PRISMS show that an exemption applies for this provider?				
			Does PRISMS show that the provider's payments for TAS membership are up to date?				
			Review the provider's course list. Are all courses covered by a TAS?				
s22 Compliance Summary				Does the provider comply with this requirement?			Yes <input type="checkbox"/> No <input type="checkbox"/>
Comments							
s23	Providers must pay the annual registration charge by the last business day of February in the year	Current registration noted in PRISMS	Does PRISMS show that the annual registration charge was paid?				
			Does PRISMS show that the payment was made by the last business day of February?				
s23 Compliance Summary				Does the provider comply with this requirement?			Yes <input type="checkbox"/> No <input type="checkbox"/>
Comments							

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes	
s24	Except for exempt providers: registered providers must pay an annual Fund contribution for each calendar year by the due date specified by the Fund Manager	Receipt or notification of exemption	Does PRISMS show that the provider is exempt?					
			Does PRISMS show that the annual Fund contribution was paid?					
			Does PRISMS show any late notifications for the payment?					
s24 Compliance Summary				Does the provider comply with this requirement?			Yes	No
Comments								
s25	Registered providers must pay any special levies by the due date specified by the Fund Manager	Current payments noted in PRISMS	Does PRISMS show that any special levies were due?					
			• If yes, does PRISMS show that the special levies were paid?					
			Does PRISMS show that any levies due were paid by the due date?					
s25 Compliance Summary				Does the provider comply with this requirement?			Yes	No
Comments								

Identification of provider in written material

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes
s107	Written material, including in electronic form, that makes an offer to provide a course, or invites an overseas student to apply for or undertake a course, or that holds a provider out as able or willing to provide a course to overseas students must identify: <ul style="list-style-type: none"> • the registered provider for the course for the state; • the registered number allocated to the provider; and • any other information prescribed by the Regulations. 	Website, marketing material, application form, enrolment form, prospectus, letters of offer and student handbooks. <i>We ask providers to supply in advance of the visit copies of their marketing material, examples of letters including letters of offer, acceptance and others. In addition, review the provider website.</i> <i>If the provider did not supply the requested information in advance, this compliance unit will need to be completed during the visit. However, you should be able to assess the website before the visit.</i>	[This section has been removed from the public version of this document]				
						<u>Record here any additional documents examined.</u>	
s107 Compliance Summary				Does the provider comply with this requirement?		Yes	No
Comments							

Privacy notice

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes
s175 Code para 51	<p>The Secretary may give information obtained and received under the Act to a Commonwealth or state agency responsible or concerned with immigration or the regulation of providers or the Fund Manager.</p> <p>The provider must take all reasonable steps to ensure that the student is aware that their information may be made available and that it is required, under s19 of the Act, to tell DIMA about certain changes to the student's enrolment and any breach of a student visa condition relating to attendance or academic performance.</p> <p><i>Also note that under the <u>Privacy Act 1988</u>, wherever the Commonwealth may use information collected from individuals for purposes other than that for which it was collected, or if it may share the information with any other body, individuals must be notified. This is usually in a "privacy notice" included in written material, particularly any documentation that solicits personal information.</i></p>	<p>Privacy note on enrolment forms etc</p> <p><i>We ask providers to supply in advance of the visit copies of their marketing material, examples of letter of offer, student handbook. In addition, review the provider website.</i></p>	[This section has been removed from the public version of this document]				
s175 Compliance Summary			Does the provider comply with this requirement?			Yes	No
Comments							

Testing Units Part 2

Arrangements with other providers

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes	
s18 Code 13.4	If a registered provider for a course enters into an arrangement with one or more other providers to provide the course jointly, course monies must be paid to the registered provider and not directly to the other providers. Where there is more than one provider involved in the provision of a CRICOS registered course, the authority will decide which of them will be registered for that course and held responsible under the ESOS Act and the National Code	Copy of course registration from PRISMS.	[This section has been removed from the public version of this document]				<i>Note the names of joint providers here.</i>	
s18 Compliance Summary				Does the provider comply with this requirement?			Yes	No
Comments								

Giving information about accepted students

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes			
s19(1), Code p 39.4, 39.5	Within 14 days after the event, the provider must give the Secretary the following information: <ul style="list-style-type: none"> • the name and prescribed details of each person who becomes an accepted student; • the name, starting day and expected duration of the course for each person who becomes an accepted student; • prescribed information about an accepted student who does not begin the course when expected; • any termination of studies by an accepted student before the student's course is completed; • any change in the identity or duration of an accepted student's course; and • any other prescribed matter relating to accepted students. 	During the visit ask the provider about their procedures for entering data into PRISMS.	[This section has been removed from the public version of this document]							
s19(1) Compliance Summary				Does the provider comply with this requirement?			Yes		No	
Comments										

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes			
s19(2) Code p34-39 DIMA	Registered providers must provide the Secretary with the particulars of any breach by an accepted student of a student visa condition relating to attendance or satisfactory academic performance. To meet this requirement the provider must comply with National Code p34-39. <i>Audit approach:</i> <i>In this test unit, we seek to establish whether the provider does, or is able to, meet the requirements of section 19(2). In particular, we are looking for evidence that the provider:</i> <ul style="list-style-type: none"> • <i>monitors visa conditions including attendance and academic performance;</i> • <i>can identify when problems with these conditions are likely to, or will, emerge;</i> • <i>gives students appropriate warning that they are at risk of breaching their visa conditions; and</i> • <i>notifies that a breach has occurred.</i> 	Attendance records and procedures inspected on site. Notifications on PRISMS. Letters of notification to students on file. <i>We should be able to see this evidence in the provider's records and copies of letters should also be kept on the provider's student files.</i>	[This section has been removed from the public version of this document]							
			To be completed by person reviewing the selected student files. (Complete the review of each of the files as required in the <i>Student Files Sample Sheet</i> .)							

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes			
s19(2) (cont) Code p34-39 DIMA	Registered providers must provide the Secretary with the particulars of any breach by an accepted student of a student visa condition relating to attendance or satisfactory academic performance.	Academic performance records and procedures inspected on site. Letters of notification to students on file. <i>We should be able to see this evidence in the provider's records and copies of letters should also be kept on the provider's student files.</i>	[This section has been removed from the public version of this document]							
			To be completed by person reviewing the selected student files. (Complete the review of each of the files as required in the <i>Student Files Sample Sheet</i>.)							
s19(2) Compliance Summary				Does the provider comply with this requirement?			Yes	No		
Comments										

Written breach notices to students

Act	Requirement	Evidence	Guidance			Yes	No	N/A	Notes
s20	As soon as practicable after a breach of a student visa conditions relating to attendance or satisfactory academic performance, a registered provider must send the accepted student a written notice in the form approved by the Secretary of Immigration. The notice must contain: <ul style="list-style-type: none"> • particulars of the breach; • state that the student is required to attend in person before an officer within 28 days after the day specified in the notice to explain the breach; • student must present photographic ID when attending; and • set out the effects of sections 137J and 137K of the Migration Act. 	PRISMS files, record of discussion, letters and notifications. (If no student has been identified earlier, ask the provider if they can supply any files of students who have been reported for these reasons).	[This section has been removed from the public version of this document]						
			To be completed by person reviewing the selected student files (Complete the review of each of the files as required in the <i>Student Files Sample Sheet</i> .)						
			Names of student files reviewed:						
s20 Compliance Summary			Does the provider comply with this requirement?			Yes		No	
Comments									

Record keeping & course monies

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes			
s21 s3.04 of the Regs	Registered provider must keep records of each accepted student enrolled or each student who has paid any course monies. Records must include the students current residential address and any other details prescribed by the regs: <ul style="list-style-type: none"> • amounts of course money the student has paid including whether paid in full or in part; if paid in full the duration of the course, if in part, the duration of the paid part of the course; • copies of written agreements between the provider and the student; and • any amounts that have become payable, directly or indirectly, to the provider for the student to undertake the course which have not been paid. 	<i>As a matter of best practice, each student file should include copies of receipts for payments.</i>	[This section has been removed from the public version of this document]							
		<i>Some providers may keep this information in electronic files. In this case, the electronic files should be reviewed to ensure that all of the required details are kept.</i>								
s21 Compliance Summary				Does the provider comply with this requirement?			Yes		No	
Comments										

Refunds

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes
s27-29 s3.04(c) & s3.19 of the Regs Code p42 - 44	<u>Refunds of course money</u> If there is a written agreement about student default and the agreements meets all of the requirements of the national code, the provider must pay the amount required by the agreement within 4 weeks of receiving a written claim from the student.	There are two parts in relation to evidence for this unit.	[This section has been removed from the public version of this document]				
	<i>Note: the provider must keep copies of written agreements to which the provider and student are parties.</i>	We first need to establish whether the provider has written agreements with students in relation to refunds.					
	If there is no written agreement about student default, the provider must pay the student the total course monies paid less the total of prescribed expenses within two weeks of the default day if the course ceases to be provided, is not provided in full, or does not start on the agreed starting day; and within 4 weeks of the default day if the student fails to start the course on the starting day or withdraws from the course.	For a refunds policy to comply with this requirement, it would need to be included in an agreement to which the student and the provider are both parties.					
	<i>Note: A written agreement between the provider and the student may include a specific agreement or a condition specified in other documentation such as the letter of offer, provided that it is specifically referred to in the agreement signed by the student. A refund policy notified on a website but not included in an agreement signed by the student may not meet this requirement.</i>	Secondly, irrespective of whether there is an agreement regarding refunds with students, we need to establish that refunds are handled correctly – either in accordance with the agreement, or in accordance with the Act and the Regulations.					

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes		
			To be completed by person reviewing the selected student files						
			[This section has been removed from the public version of this document]						
s27-29 et al Compliance Summary				Does the provider comply with this requirement?			Yes	No	
Comments									

English language requirements

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes		
Code p27-28	<p>p27 states in part:</p> <p><i>"Providers must include, in any offer of course placement, information on requirement for English language skills (unless clearly not relevant), or bridging courses where these are considered necessary."</i></p> <p>p28 states in part:</p> <p><i>"The registered provider must obtain evidence that assessment of an intending overseas student's proficiency in English has been carried out...by a suitably qualified person".</i></p>	<p><i>This unit is part of the educative function of the compliance activity.</i></p>	[This section has been removed from the public version of this document]						
p27-28 Compliance Summary				Does the provider comply with this requirement?			Yes	No	
				Note: National Code requirement – for advice only					
Comments									

Student support services

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes
Code p43, p45-48	<p>The provider must:</p> <ul style="list-style-type: none"> • have in place appropriate support services and be able to demonstrate the advice provided on these services; • ensure that overseas students have access to information or counselling services in orientation, academic progress, further study and accommodation on arrival; • approve accommodation/welfare arrangements for overseas students under 18; and • provide a suitably qualified contact officer for the provision of support services. 	<p><i>Support services should be outlined in marketing, induction material or letters of offer.</i></p> <p><i>When reviewing the PRISMS records, check whether there appears to be a higher than expected number of students failing courses or dropping out of courses. High levels here could indicate that student support services are not working as well as they should and could provide a valuable opportunity for improvement for the provider.</i></p>	Provision of information on student support services				
			[This section has been removed from the public version of this document]				
			Provision and identification of student contact officer				
			[This section has been removed from the public version of this document]				
			Grievance handling/dispute resolution process				
			[This section has been removed from the public version of this document]				

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes			
			Arrangements for students under 18 years of age							
			[This section has been removed from the public version of this document]							
p45-48 Compliance Summary				Does the provider comply with this requirement?			Yes		No	
				Note: National Code requirement – for advice only						
Comments										

Agents

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes		
Code p49	Providers cannot accept or continue to accept overseas students recruited by an agent or authorise an agent to use PRISMS on their behalf if they know or reasonably suspect the agent to be: <ul style="list-style-type: none"> • engaged in dishonest practices (including suggesting to overseas students that they come to Australia on a student visa with a primary purpose other than full-time study; • facilitating the enrolment of overseas students who do not comply with conditions of their visas; • engage in false or misleading advertising and recruitment practices; and • use PRISMS to create CoEs for other than bona fide students. 	<i>This unit is part of the educative function of the compliance activity. In this unit, we ask providers to think through some of the ways in which they can ensure that they are not accepting students from agents who do not comply with paragraph 49 of the Code.</i>	[This section has been removed from the public version of this document]						
p49 Compliance Summary				Does the provider comply with this requirement?			Yes		No
				Note: National Code requirement – for advice only					
Comments									

Registered provider staff

Act	Requirement	Evidence	Guidance	Yes	No	N/A	Notes			
Code p50	Registered providers must bring to the attention of staff dealing with overseas students their relevant responsibilities under the Code the Act and any relevant State requirements. This should be done as part of induction or through in-house training.	<i>This unit is part of the educative function of the compliance activity. In this unit, we ask providers to think through some of the ways in which they ensure that their employees are properly informed.</i>	[This section has been removed from the public version of this document]							
p50 Compliance Summary				Does the provider comply with this requirement?			Yes		No	
				Note: National Code requirement – for advice only						
Comments										