

LEADERSHIP  
MANAGEMENT  
AUSTRALIA



## **Deferment, Withdrawal & Cancellation Policy and Procedure**

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# 1. PURPOSE

- 1.1 The purpose of this policy and procedure is to outline the circumstances in which a Participant can withdraw, defer, or transfer from their course enrolment with Leadership Management Australia Pty Ltd (LMA) and ensures that LMA meet the requirements of the Standards for RTOs 2015, Australian Consumer Law for training providers and relevant State funding contract agreements.
- 1.2 This policy and procedures should be applied in conjunction with the LMA Fees, Charges and Refund Policy and Procedure.

# 2. SCOPE

- 2.1 The policy and procedure will be publicly accessible for prospective and current Participants via the LMA website.

# 3. DEFINITIONS

**Cancellation:** refers to a cessation of enrolment in a course.

**Compassionate or Compelling Circumstances:** are generally those beyond the control of the Participant and which have an impact upon the Participant's course progress or wellbeing. These could include but are not limited to the following.

- a) Serious illness or injury, where a medical certificate states that the Participant was unable to attend the course;
- b) Bereavement of close family members such as parents or grandparents.
- c) Major political upheaval or natural disaster in the home country requiring emergency travel when this has impacted on the Participant's studies
- d) A serious change in working conditions – transfer, promotion
- e) A traumatic experience such as:
  - Involvement in or witnessing of a serious accident, or
  - Witnessing or being the victim of a serious crime
- f) When this has impacted on the Participant LMA will reserve the right to request supporting documentation from the employer.

**Course:** means a course of study leading to either a Nationally recognised Qualification or Non-accredited Course outcome

**DET:** means Department of Education and Training

**Deferral:** means to postpone commencement of studies or postpone existing current studies for a period of time or wants to halt.

**FBOL:** Feedback Online is the Learning Management System (LMS) used by LMA to deliver courses including training and assessment.

**Suspension:** means the formal introduction of a pause in a Participant's studies during which they are not required to engage with their course. On resumption of their studies, Participants are expected to fulfil the same progression criteria as if they had not suspended their studies.

**Course Transfer:** when a Participant transfers from one course to another course with LMA or in some instances where a Participant is transferred to another group/cohort to complete their studies in the same course.

**VT:** VETtrak Refers to the LMA Training Participant Management System (SMS) that is AVETMISS approved, and used to record the Participant's journey with LMA. Communication and assessment records are recorded in the SMS and assist LMA in meeting regulatory and contractual requirements in terms of reporting and collecting accurate records for audit.

**Unit of Competency (UoC):** as per [www.training.gov.au](http://www.training.gov.au). It is the smallest component of a Training Package (TP) that can be assessed and recognised. It gives a description of the skills and knowledge required to perform effectively to a specific standard in a particular workplace role or function.

**Withdrawal:** Means when a Participant chooses to withdraw from their course (reasons vary) OR when LMA withdraws the Participant due to specific reasons (please refer to the Participant Withdrawal Form)

## 4. POLICY

4.1 The purpose of this policy is to outline the process for Participants who elect to defer or withdraw from a course. LMA's policy is to assess all Participant Deferral, Withdrawal and Cancellation requests based on particular factors that need to be taken into consideration. These are that:

- The Participant requesting a Deferral/Withdrawal has an accurate understanding of what the Deferral/Withdrawal represents to their study options or
- That it is suspected that they are seeking Deferral/Withdrawal due to failure to meet academic progress or attendance.

4.2 LMA will be explicit and transparent about the process of, and requirements for, Deferral, Withdrawal and Cancellation for Participants. The Withdrawal and Deferral procedure will apply to the Courses of study. Reasonable timeframes for Deferral and Withdrawal will be applied to allow Participants to make informed decisions to defer or withdraw from the Course. The procedure will be exercised in a fair and equitable manner, having regard to the individual Participant's circumstances. LMA may determine to defer, withdraw or cancel a Participant from a Course in alignment with relevant LMA policies and procedures.

### 4.3 Principles

4.3.1 LMA provides prospective and enrolled Participants with the terms and conditions of their enrolment, including clear information on Deferral, Withdrawal, Cancellation of enrolment, Course Transfers, and fees, charges and refunds.

4.3.2 LMA complies with the Standards for Registered Training Organisations (RTOs) 2015 including the Clauses 5.1 to 5.3 related to informing and protecting students.

4.3.3 LMA complies with the relevant national and state legislation covering fair trading, competition and consumer affairs.

4.3.4 Fees are payable for all LMA Training Products and Clients their Participants are provided with information on course fees and available payment methods prior to enrolment including any applicable fees relating to Deferrals, Withdrawals and transfer extensions applications.

## **4.4 Defer or Withdraw from a course**

4.4.1 Participants can defer or withdraw from a course:

- Before they commence their course
- During a course

The circumstances listed below are examples of what may be considered Compassionate or Compelling circumstances, and each case will be assessed on its individual merits.

Requests from Participants for Deferral of studies may be granted in Compassionate or Compelling circumstances which are generally those beyond the control of the Participant and which have an impact upon the Participant's course progress or wellbeing. These could include but are not limited to the following.:

- Serious illness or injury, where a medical certificate states that the Participant was unable to attend and participate in the course.
- Bereavement of close family members.
- Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the Participants to participate in the course.
- A traumatic experience that has impacted on the Participant which could include involvement in or witnessing of a serious accident or witnessing or being the victim of a serious crime.

When determining whether Compassionate or Compelling circumstances exist, LMA considers documentary evidence provided to support the claim, and stores copies of these documents in the Participant's file.

4.4.2 Where a Participant-initiated Deferral of enrolment is granted, LMA will suspend an enrolment for an agreed period - to a maximum of 12 months. If the Deferral is required for longer than 6 months, the Participant's application will be reassessed. If the suspension period has expired and the Participant does not return, the Participant's enrolment will be cancelled.

## **4.5 Provider initiated Suspension or Cancellation**

4.5.1 LMA may suspend or cancel a Participant's enrolment reasons including, but not limited to, the following.

- misbehaviour by the Participant (including plagiarism, collusion, and cheating)
- the Participant or their Employer failed to pay LMA all or part of the fees to undertake or continue the course as stated in the written agreement.

Standards of behaviour required are outlined in the LMA Participant Code of Conduct.

4.5.2 Before imposing a Suspension or Cancellation LMA will contact the employer to discuss the intention imposing a Suspension or Cancellation of the Participant. LMA will inform both the Participant and their employer in writing of that intention including the reasons for doing so and advise both parties of their right to appeal through the LMA Complaints and Appeals Policy and Procedure.

## **4.6 Complaints and appeals**

4.6.1 Where a Participant accesses the Complaints and Appeals process, LMA will not notify the relevant department if the Participant is funded until the internal appeals process is complete unless the Participant's health or wellbeing, or the wellbeing of others, is likely to be at risk.

4.6.2 All records relating to Deferrals and Withdrawals will be kept on the Participant's file. This will include all decisions made.

# PROCEDURES

Standard 3 Clauses 3.1 – 3.4

## 1. Participant initiated Deferral

Procedure	Responsibility
<p><b>A. Process application from Participant</b></p> <ul style="list-style-type: none"> <li>Provide <i>Application for Deferral Form</i> on request to Participants and assist Participants to complete form as required.</li> <li>Participants seeking to defer from a course must complete the <i>Application to Defer Form</i> and return the completed form to the applicable course manager as follows: <ul style="list-style-type: none"> <li>➤ <b>LMA L&amp;S:</b> National Program Manager</li> <li>➤ <b>LMA OpEx:</b> Head of National Delivery</li> </ul> </li> </ul>	<p>Facilitator (Trainer Assessor)</p> <p>Head of National Delivery and Quality,</p> <p>National Program Manager</p>
<p><b>B. Assess request for Deferral and respond to Participant</b></p> <ul style="list-style-type: none"> <li>The Head of National Delivery and Quality, OR National Program Manager in consultation with the National Quality and Compliance Manager (NQ&amp;CM), will review and approve or reject the Participant's application. Each application will be treated on its merits as Deferral is not automatic. Once the decision has been made the outcomes must be recorded in the Participants File and reported in the VT SMS or FBOL LMS by the LMA Administration Team.</li> <li>The LMA Administration Team will amend the Participant's Training Plan to reflect the date of Deferral and place a copy of the documents into the Participant's file and update the records in the VT SMS or FBOL LMS</li> <li>LMA will consider reasons for the request for Deferral and approve cases that fall within Compassionate and Compelling Circumstances as defined in this policy.</li> <li>LMA will forward notification of decision within 10 working days of receipt of an application.</li> <li>A refund of fees will be paid where applicable as per LMA Fees, Charges and Refunds Policy and Procedure.</li> </ul>	<p>Head of National Delivery and Quality,</p> <p>National Program Manager</p> <p>National Quality and Compliance Manager</p> <p>Administration Team</p>

## 2. Participant-initiated Withdrawal

Procedure	Responsibility
<p><b>A. Assess Participant request for Withdrawal of studies</b></p> <ul style="list-style-type: none"> <li>If a Participant no longer wishes to continue in their course, they must formally withdraw. This includes where the Participant for any reason, decides to discontinue their course.</li> <li>Upon request, provide Participant with the <i>Application for Withdrawal Form</i> and provide assistance to the Participant as required to complete the form.</li> <li>Organise meeting with Participant to discuss reasons for the Withdrawal.</li> </ul>	<p>Facilitator (Trainer Assessor)</p> <p>Head of National Delivery and Quality</p> <p>National Program Manager</p>
<p><b>B. Process application for Withdrawal</b></p> <ul style="list-style-type: none"> <li>The LMA Administration Team will amend the Participant's Training Plan to reflect the date of Deferral and place a copy of the documents into the Participant's file and update the records in the VT SMS or FBOL LMS.</li> <li>LMAs Finance team will process any applicable refunds in accordance with LMA's Fees, Charges and Refunds Policy and Procedure and ensure that Participant or their Employers financial records are adjusted to take account of the cancellation of enrolment where relevant.</li> <li>The LMA Administration Team will inform all relevant LMA personnel that the Participant's enrolment has been cancelled.</li> </ul>	<p>Head of National Delivery and Quality</p> <p>National Program Manager</p> <p>National Quality and Compliance Manager</p> <p>Administration Team</p>

Procedure	Responsibility
<ul style="list-style-type: none"> <li>The LMA Administration Team will include all documentation in the Participant's file.</li> <li>The Participant's file will be audited by Administration to identify if the Participant has achieved competency for any of the units they have enrolled in up to the date of Withdrawal.</li> <li>Qualifications are issued in accordance with the LMA AQF Certification Policy and Procedure.</li> </ul>	

### 3. Participant initiated Course Transfer

Procedure	Responsibility
<p><b>A. Participant request for Course Transfer</b></p> <ul style="list-style-type: none"> <li>A Participant may apply for transfer to another LMA course within the provisional enrolment period providing they meet the entry requirements for that course.</li> <li>A Participant may request to transfer to another group/cohort to complete the same course under a different schedule/delivery plan.</li> </ul>	<p>Facilitator (Trainer Assessor)</p> <p>Head of National Delivery and Quality</p> <p>National Program Manager</p>
<p><b>B. Process application for Course Transfer</b></p> <ul style="list-style-type: none"> <li>Upon request, provide Participant with the Application for Course Transfer Form and provide assistance to the Participant as required to complete the form.</li> <li>The Head of National Delivery and Quality, or National Program Manager in consultation with the National Quality and Compliance Manager (NQ&amp; CM), will review and approve or reject the Participant's application. Each application will be treated on its merits as Course Transfer is not automatic.</li> <li>Once the decision has been made the outcomes must be recorded in the Participant's File.</li> <li>LMA Administration Team will place a copy of the transfer documents into the Participant's file and update the records in the VT SMS or FBOL LMS.</li> </ul> <p><b>C.</b> The Participant will be advised of the decision and required to complete the enrolment process for the new course.</p>	<p>Head of National Delivery and Quality</p> <p>National Program Manager</p> <p>National Quality and Compliance Manager</p> <p>Administration Team</p>

#### 4. LMA-initiated Suspension or Cancellation of enrolment

Procedure	Responsibility
<p><b>A. Suspend or cancel Participant enrolment</b></p> <ul style="list-style-type: none"> <li>• LMA can suspend or cancel a Participant’s enrolment on the following grounds: <ul style="list-style-type: none"> <li>○ When a Participant is in breach of the LMA Participant Code of Conduct</li> <li>○ When a Participant is deemed as not making satisfactory course progress and fails to comply with attempts to assist and the requirements of the Individual Training Plan – note – Suspension due to unsatisfactory course progress.</li> <li>○ Submission of fraudulent evidence or documents to LMA</li> <li>○ When the Participant is continually absent from scheduled course hours</li> </ul> </li> <li>• LMA will collect supporting evidence such as non-academic progress, poor attendance, and reports of academic or non-academic misconduct to make the decision.</li> <li>• The NQ &amp; CM will approve the request to suspend or cancel the Participant’s studies. LMA must inform both the Employer and the Participant of an intention to suspend or cancel the Participant enrolment in writing. In such cases Participants will be notified and given 20 working days to access the LMA Complaints and Appeals Policy and Procedure.</li> <li>• There will be no change in enrolment status until the appeals process is completed unless extenuating circumstances relating to the welfare of the Participant apply.</li> <li>• LMA will not continue to provide learning opportunities throughout the 20 working days when the Participant is allowed to appeal the decision and during the internal complaints and appeals process.</li> <li>• If the Participant chooses not to appeal the suspension of study or cancellation of their enrolment, or has unsuccessfully exhausted all internal appeal processes, the suspension of study or cancellation of enrolment will be formally processed.</li> <li>• A copy of the letter and supporting evidence along with the NQ &amp; CM documented decision is scanned and downloaded and placed on the Participant’s file. If the Participant chooses to access LMAs Complaints and Appeals procedure, LMA will maintain the Participants enrolment until the internal grievance process is completed including extenuating circumstances relating to the welfare of the Participant.</li> </ul>	<p>Head of National Delivery and Quality</p> <p>National Program Manager</p> <p>National Quality and Compliance Manager</p> <p>Administration Team</p>
<p><b>B. Decide on action and implement decision</b></p> <ul style="list-style-type: none"> <li>• Arrive at an appropriate decision e.g., issue a warning, charge for any damage caused, request a formal apology, or suspend or cancel studies.</li> <li>• Where the decision is to cancel the Participant’s enrolment, provide the Participant with a <i>Notice of Intention to Cancel Enrolment Letter</i> informing them of their right to access the Complaints and Appeals Policy and Procedure.</li> <li>• The Participant’s or their Employer’s financial records are adjusted to take account of the period of suspension or cancellation of enrolment, if applicable.</li> <li>• The NQ &amp; CM will inform relevant LMA personnel advising them that the decision to suspended or cancel their enrolment so that records can be updated in the Participant’s File, and where applicable the Participant be removed from having access to the LMA FBOL LMS and user account until the Participant recommences their studies or is cancelled.</li> <li>• LMA Administration will make an entry in the Participant’s File and in the VT SMS for a reminder for when the Participant is due back if applicable.</li> </ul>	<p>Head of National Delivery and Quality</p> <p>National Program Manager</p> <p>National Quality and Compliance Manager</p> <p>Administration Team</p>

Procedure	Responsibility
<ul style="list-style-type: none"> <li>• Issuance of a Statement of Attainment within 30 days if any competencies have been successfully completed as per the LMA AQF Certification Policy and Procedure.</li> </ul>	
<p><b>C. Claiming from Funding contracts for Students who have withdrawn:</b></p> <ul style="list-style-type: none"> <li>• LMA will follow the guidelines of each State Funding Contract in terms of collecting the required evidence to prove attendance and participation, prior to claiming for any fees.</li> </ul>	<p>National Quality and Compliance Manager</p> <p>Administration Team</p>

## Supporting Documents

- Participant Handbook
- Client Agreement
- Training Plan
- Application for Withdrawal Form
- Application for Deferral Form
- Application for Course Transfer Form
- AQF Certification Policy and Procedure
- Complaints and Appeals Policy and Procedure.
- Notice of Intention to Cancel Enrolment Letter