



THE HUTCHINS SCHOOL

# Changes to Registered Providers Ownership or Management

Relevant Legislation	National ESOS Code: Standard 11
Commencement Date	April 2015
Last Review Date	February 2020

## 1. Purpose

The purpose of this policy is to outline the Hutchins School's responsibility toward notifying changes in the Registered Provider, or the management of that provider, to the designated authority under the ESOS Act.

## 2. Scope

This policy applies to the operations of The Hutchins School in respect to the oversight of International Students.

## 3. Objectives

To ensure compliance with the ESOS Act, and to inform staff, students and families as to the management and operations of The Hutchins School.

## 4. Definitions

(none)

## 5. Policy Statement

Evidence kept of notification to higher managerial agents or changes to ownership, fit and proper documents kept, evidence of offers of a refund to students if there has been a change to the legal entity.

The Hutchins School will notify in writing all applicable government agencies regarding any prospective changes to our ownership as soon as practicable (as soon as we are aware changes WILL take place) and prior to it taking effect.

The Hutchins School will also notify in writing of any change to high managerial agent of a provider (as being an employee, agent or officer of the provider with duties of such responsibility that his or her conduct may fairly be assumed to represent the provider in relation to the business of providing courses), as soon as practicable prior to the

change OR within 10 working days of the change where the change cannot be accurately determined until it has taken effect.

The Hutchins School will provide the designated authority with information on the new owner/s or high managerial agent for the purpose of an assessment being made under the ESOS Act.

High managerial agents may be responsible for:

- the operations of the institution at a senior level
- determining, approving and overseeing the implementation of high level policies in relation to international students
- making business decisions relating to the international student program
- representing the institution, with the authority to speak on behalf of the institution and to sign high level agreements on the institution's behalf
- setting the direction of the institution in relation to international education activities.

The Hutchins School will ensure all new high managerial agents/owners/PEOs complete the appropriate paperwork (fit and proper test) and submit to the authorities.

The Hutchins School will make a written offer of refund to students should there be a change to our legal entity.

Students could either take a refund, or sign and agree to the change of legal entity should they wish to continue study with the college. All documentation will be kept on the student file.

The Hutchins School is aware any change to the legal entity, constitutes provider default.

### **Procedure**

The Hutchins School will advise by written notification to the designated authorities about changes to ownership or high managerial agents as soon as practicable prior to the change within 10 working days of the change where the change cannot be accurately determined until it has taken effect.

The Hutchins School will provide the designated authority with information on any new owner/s or high managerial agent for the purpose of an assessment being made under Section 9 (6) of the ESOS Act.

The Hutchins School will ensure all new high managerial agents/owners complete the appropriate paperwork (fit and proper test) and submit to the authorities.

The Hutchins School will make a written offer of refund to students should there be a change to our legal entity. Students could either take a refund, or sign and agree to the change of legal entity should they wish to continue study with the college. Copies will be kept on student files.

Any change to the legal entity, constitutes provider default, therefore The Hutchins School staff will ensure Standard 15 of the National Code and Section 9 of the ESOS Act will be adhered to should any change occur.

## **6. Supporting/Related Documents**

## **7. Record Keeping**

This policy is to be kept for three (3) years until review, unless there is a significant legislative or organisational change requiring earlier review.

The master copy is kept on SharePoint and is read-only in PDF form. All printed copies are uncontrolled.

## **8. Policy Owner**

Headmaster