CET Student Attendance – Local Provisions

Section 1 – Governing policies

These provisions are to be read with reference to the following documents and any other relevant policies of the University of Sydney and the Education Services for Overseas Students Act 2000 (ESOS Act) National Code of Practice for Registered Authorities and Providers of Education and Training to Overseas Students (The National Code 2007):


Section 2 – Principles of the CET Student Attendance Process

a. This process is a local provision that applies to all students of the University of Sydney Centre for English (“CET”) in respect of all actions and activities (including inaction or inactivity) relating to or impacting on the University of Sydney (“the University”) or its students and employees.

b. The provisions must be read in conjunction with the statutes, rules, and resolutions of the University, and The Education Services for Overseas Students Act 2000 (ESOS Act) National Code Part D as well as the relevant clauses of the Migration Act (1958) and related Regulations and Legislative Instruments.

c. The provisions of this document apply to attendance of CET courses for students who hold a Student Visa. All Student Visas are subject to Condition 8202 relating to satisfactory attendance, see https://www.border.gov.au/Trav/Stud/More/Visa-conditions/visa-conditions-students

d. Nothing in these provisions abrogates a person’s right or the University’s right to refer at any stage alleged absence, particularly unexplained absence of 5 days, to authorities external to the University of Sydney.

Section 3 - Definitions

For the purpose of these provisions:

1. Campus - means any property on which CET conducts its activities.
2. Satisfactory attendance - means a minimum of 80% attendance of CET courses, including educational activities, such as excursions, undertaken by the class in a given course.
3. DIBP – Commonwealth Department of Immigration and Border Protection.
Section 4 – Recording of Attendance

1. Each class teacher records the attendance of their students in his/her class on a class roll. Data is entered weekly by the teacher into the CET administration database.
2. The database automatically calculates both attendance to date, and possible attendance (i.e. if the student now attends 100% until the end of the course).
3. The CET Admissions team is responsible for checking that attendance has been entered for the classes

Section 5 – Warnings to the Student about Attendance

There is a notice about expected student attendance on the CET website and in classrooms. Attendance and any warnings received by a student are on the class roll so the teacher can check with the student and ensure the contact details are correct. Students are informed at Orientation, via the CET website and through notices in classrooms of the attendance procedure.

When a student’s attendance falls to 90% to date, an email warning process is initiated through the student management system:

1. The trigger for the first warning is attendance to date of 90%, i.e. student has already used ½ of the available 20% allowance for illness, etc.
2. The trigger for the second warning is attendance to date of 85%, i.e. student has already used ¾ of the available 20% allowance for illness, etc.
3. The trigger for the Intention to Report is attendance to date of <80%, i.e. student has already used more than the available 20% allowance for illness, etc.

Section 6 – Intention to Report and the Internal (CET) Appeal Process

The Intention to Report email explains to the student that s/he has 20 working days (not including the day the email is sent) to make any representations to CET, including a request for an Appeal Hearing.

Where there is insufficient time for an Appeal Hearing to be convened, for example when the 20 day period finishes during the University shut down period at the end of the year, the Panel will consider any representations made by the student by email.

This appeal period is to adhere to the principles of natural justice as laid out in:


The student can bring a support person to the Appeal Hearing, such as the CET Counsellor, another student, a relative, or a friend.

The Appeal Panel is normally comprised of:

1. one or more CET Deputy Directors;
2. one or more CET Education Managers;
3. the CET Business Systems Manager;
4. and shall comprise of at least one male member and one female member.
At the end of 20 working days following the sending of the Intention to Report, the Appeal Panel decides whether to proceed to report the student, after having taken into consideration any representations made by the student either in person or by email. The decision is by majority vote of the Panel.

The student must be strongly encouraged to attend class during the internal appeal period.

Section 7 – Providing Fraudulent Supporting Evidence

During the internal appeal period, the Panel arranges for the veracity and authenticity of any student-supplied documents to be checked. If any of the documents are fraudulent, this constitutes misconduct and any eventual cancellation of the student’s enrolment with CET will be on the grounds of misconduct.

Section 8 – External Appeals

The student is informed, at the time of the Notice of Intention to Report, and again once the 20 working day period for any internal appeal has lapsed, of the right to make an external appeal to the NSW Ombudsman within 14 working days of the notification of the outcome of the internal appeal to CET.

The student must be strongly encouraged to attend class during the external appeal period.

Section 9 – Outcome of External Appeal

Following an external appeal to the Ombudsman, the CET Attendance Panel shall do one of the following:

1. if the student’s appeal is upheld by the Ombudsman, follow the instructions of the Ombudsman in this matter;
2. if the student’s appeal is not upheld by the Ombudsman; cancel the student’s enrolment at CET, report the student to the DIBP and to the Compliance Officer of the University.

In either case, the decision shall be conveyed to the appellant in writing within 5 working days.

Section 10 – Time Away

The National Code Part D, Standard 13 has the following provision: “providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances”.

A student may request time away from a CET course due to compassionate or compelling circumstances. This request must be in writing to the relevant Education Manager who makes a recommendation to the Deputy Director Teaching & Learning who makes a final decision on whether to grant time away.

To determine if compassionate and compelling circumstances exist, the following advice in the National Code can be considered:

“Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student’s course progress or wellbeing. These could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes
CET Student Attendance

- bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided)
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student’s studies; or
- a traumatic experience which could include:
  - involvement in, or witnessing of a serious accident; or
  - witnessing or being the victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists’ reports)"

If it is not clear that the circumstances meet the compassionate and compelling requirement, other factors taken into account include the student’s current attendance percentage, the student’s course progress to date, and the urgency and/or importance of the reason for the request.

1. If the student’s request is accepted, their time away is not counted against their attendance. To action this, the Deputy Director Teaching & Learning asks the Business Systems Manager to freeze the recording of the student’s attendance for the agreed period of time away.
2. If the student’s request is not accepted but the student is absent from class, their time away is counted against their attendance.

If accepted, depending on whether the time away request affects the student’s end date, one of two reporting outcomes occurs:

1. The Business System Manager notifies the Department of Education through PRISMS that it is deferring or suspending a student’s enrolment for a period **without affecting the end date of the CoE**. In this case there is no change to the CoE or the student’s enrolment status on PRISMS i.e. the student’s CoE status will still be listed as ‘studying’. However, the notice of deferment or suspension will be recorded in PRISMS and sent on to the Department of Immigration and Border Protection (DIBP). This information will be kept for future reference.
2. The Business System Manager notifies the Department of Education through PRISMS that it is deferring or suspending a student’s enrolment for a period which **will affect the end date of the CoE**. In such situations, PRISMS will cancel the original CoE, and immediately offer the provider the opportunity to create a new CoE with a more appropriate end date. If the provider does not know when the student will return, it can choose not to create a new CoE at that point, but to wait until the student has notified the provider of the intended date of return before creating the new CoE.

**Section 11 – Missing from CET for five consecutive days**

In order to meet the requirements of the National Code Part D Standard 11.4, the following is the CET process for contacting and counselling students who have been absent for more than five consecutive days without approval.

1. If a CET student has been absent from class for three consecutive days, the teacher(s) of that class must inform the relevant Education Manager who will attempt to contact the student by phone and/or email. The Education Manager will encourage the student to make an appointment with the Counsellor if the absence does not have an apparent and reasonable cause.
2. If the student is absent for five consecutive days and there has not been a reasonable explanation from the student about their absence, the Education Manager escalates the issue to the Deputy Director Teaching & Learning who arranges for the student’s education agent and family to be contacted.
3. On the sixth consecutive days of absence if there has been no reasonable response from the student, the Deputy Director Teaching & Learning will contact the Police to report the student as a missing person.

In the case of students who are under 18 years of age, (see below) absence of 3 consecutive days must be notified to the Deputy Director Teaching & Learning who will ensure the student and the person responsible in Australia for him/her are contacted as soon as possible.

Section 12 – Students who are under 18 years of age.

1. Any unexplained absence of a student who is under 18 years of age must be investigated by the relevant Education Manager.
2. Any Warning or Intention to Report emails to students will be copied to the parent or suitable nominated relative in Australia who is caring for the student.
3. The CET Counsellor will proactively make appointments with under-18 students to meet regularly with them, generally fortnightly.
4. The parent or suitable nominated relative in Australia who is caring for the student will be invited to any appeal hearing relating to an Intention to Report.
5. If CET suspends or cancels the enrolment of an underage student, CET (this responsibility is delegated to the Counsellor) must continue to check the suitability of tuition & accommodation arrangements for that student until:
   a) the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student’s accommodation, support and general welfare arrangements
   b) the student leaves Australia
   c) other suitable arrangements are made that satisfy the Migration Regulations, or
   d) the registered provider reports under Standard 5.1.d that it can no longer approve of the arrangements for the student.
CET STUDENT ATTENDANCE WARNING AND APPEAL PROCESS

100%

- Congratulations!
- To make excellent progress in English and achieve your goals, you attend every class and always arrive on time.

95%

- You have used 1/4 of your available "away from class" time for your whole course. You can still make very good progress in English.

90%

- You have used 1/2 of your available "away from class" time for your whole course. You can still make good progress in English.
- You will receive a 1st Warning Email about your attendance.

85%

- You have used 3/4 of your available "away from class" time for your whole course. You can still make satisfactory progress in English.
- You will receive a 2nd Warning Email about your attendance.

80%

- You have used all of your available "away from class" time for your whole course. You can still make some progress in English.
- This is the minimum level of attendance you must maintain for your student visa.

<80%

- You will receive an Intention to Report email.
- You now have 20 calendar days to tell Reception you want to appeal this decision to provide an explanation or evidence of illness etc.
- CET will report you to Immigration* and/or the University if you do not appeal or if your appeal is unsuccessful. Your student visa and any University Offer might be withdrawn.

<70%

- CET must report you to Immigration* (all student visa students) and the University (ITP/DEC students only).
- Your student visa might be cancelled and any University Offer withdrawn.

At any time, if you need advice or support, please go to Reception (5th Floor, Wentworth) to make an appointment to see our Student Counsellor.

- If we report you to the Department of Immigration and Border Protection (DIBP), you will need to see an Immigration Officer, within 28 days of the date we inform DIBP, to make any submissions about your circumstances. Take photo identification with you.