

International Student Complaints and Appeals Policy

Purpose

This policy ensures international students have a fair, inexpensive complaints and appeals process for the resolution of any type of dispute that includes access to an independent external body if necessary. The RTO must make prompt decisions as a student's visa will restrict his or her length of stay in Australia.

This policy has internal complaints and appeals process that:

- requires a written record if the complaint or appeal cannot be resolved informally;
- provides a student with the opportunity to formally present his or her case at minimal or no cost;
- allows the student to be assisted or accompanied by a support person;
- provides a written statement of the outcome, including details and reasons for the decision; and
- requires that processes begin within 10 working days of the RTO receiving the formal written lodgement of the complaint or appeal.

The RTO will maintain the student's enrolment while the complaints and appeals process is ongoing. This does not necessarily mean that a student will remain in class.

The RTO will have arrangements in place for an independent external person or organisation to hear the complaints or appeals where the RTO's internal process has been completed and the student remains dissatisfied.

The student will be granted immediate access to the RTO complaints and appeals process. The process must begin within 10 working days of the formal lodgement of the complaint or appeal.

The RTO's documented internal complaints and appeals process must include provision of a written statement of the outcome including details and reasons for the decision.

If the outcome of a student's appeal through a provider's internal or external complaints and appeals handling process is favourable to the student, the RTO must immediately advise the student of this and implement any decision and/or corrective and preventive action required.

The process must begin within 10 days of receipt of the formal complaint. It must be completed within a reasonable timeframe which takes into consideration the length of a student's visa and the student's enrolment in future subjects and/or courses.

The complaints and appeal process must give the student the opportunity to:

- formally present his or her case; and
- be accompanied or assisted by a support person.

It is important for the RTO to make the objective of the process clear in its policies and procedures.

For example, is the objective to reach a mediated resolution or is it for the internal complaints and appeals processes to reach a determination? Generally, a mediated solution will be inappropriate when the issue is whether or not the institution followed its own policies and procedures.

While the RTO has arrangements in place for complaints or appeals, the RTO may use different processes for different types of complaints. When considering which processes are suitable, the RTO will bear in mind the appropriateness of the process for the particular kind of complaint as well as accessibility, timeliness, cost and procedural fairness.

The RTO has arrangements in place for external complaints or appeals. It does not prescribe the process of the external appeal. The RTO may use different processes for different types of complaints.

In most cases, the purpose of the external appeals process is to consider whether the RTO has followed its policies and procedures – it is not to make a decision in place of the Institute.

For example, if a student appeals against his or her subject results and goes through the RTO's internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

If the student is not satisfied with the outcome or conduct of the internal complaint handling and appeals process, the RTO must be able to supply information to the student on how to pursue the appeal through the external appeals process. There should be no charge for advising students of their rights to access an external appeals process. The external appeals process to which the student is referred should be at minimal or no cost.

Until the complaints and appeals process is completed, the RTO must maintain the enrolment of the student. To 'maintain the student's enrolment' means the RTO does not notify DET of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

The RTO must maintain the student's enrolment throughout the internal appeals process for all types of complaints or appeals. However, whether the RTO must maintain the enrolment throughout an external appeals process depends on the type of appeal.

The RTO must wait for the outcome of the external process in this case as reporting a student for unsatisfactory progress or attendance has serious consequences for the student's visa – the RTO only needs to await the outcome of the internal appeals process (supporting the RTO) before notifying DET through PRISMS of the change to the student's enrolment.

Once DET has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:

- leave Australia
- show the Department of Immigration and Border Protection (DIBP) a new Confirmation of Enrolment (CoE)
- provide DIBP with evidence that he or she has accessed an external appeals process.

Standard 10 does not require providers to continue to offer learning opportunities throughout the complaints or appeals process. Each provider must decide whether it will continue to offer learning opportunities throughout any appeals process. For example, some providers may decide to exclude a student from attending classes, but continue to provide work to complete outside of the classroom environment.

Providers should consider that to deny students learning opportunities throughout the appeals process may disadvantage the students in their subsequent studies should the appeals process find in their favour. If students have missed a few weeks of studies, it may be difficult for them to catch up on this work.

If a student takes the complaint or appeal to the external process, the student must be informed promptly of the decision reached by the external body.

The RTO should update the student's file to record the outcome, and any subsequent actions.

Policy

The RTO aims to resolve all complaints received in an informal manner to avoid unnecessary stress and disruption to the student and the Institute.

However, if a complaint is unable to be resolved on an informal level the student is required to present to the Institute a written complaint within 5 business days of the incident. The written complaint will then be acknowledged by the Institute within 5 business days with an outline of the process to be followed and an estimated timeframe for resolving the complaint. Any expected delay is required to be explained. Should a delay be encountered once the complaint handling process has been commenced, this is required to be advised in writing with a revised period. Review of the complaint will begin within 10 business days of the Institute receiving the formal written lodgement of the complaint.

Complainants can represent themselves, and there are no fees for accessing the grievances and complaints procedures. Complainants may be assisted and supported by another person at any meetings.

A written statement of the outcome, including details and reasons for the decision will be provided to the student. The RTO will immediately advise the student and implement any decision in the event of any favourable outcome to the student.

The RTO will maintain the student's enrolment while the internal and external complaints and appeals process is ongoing if there is a threat that the student will be deported. However, if there is no threat that the student will be deported enrolment may only be maintained during the internal process (enrolment during the external process will be at the Institute's discretion).

This policy advises that students are able to access the Institute's Appeals process within 20 working days of the outcome of the complaint. If after the internal appeals process has been conducted, the student is still unsatisfied with the result they may appeal to the Australian Council for Private Education and Training (ACPET). As per Standard 10.2 there is no cost for accessing this process. The outcome of the external appeals process will be final and accepted by both parties.

Alternatively the student may access the Independent mediation service which is available through the Dispute Resolution Branch, Department of Justice and Attorney-General.

At present there is no fee for use of this service, but this may change.

Informal Complaint Procedure

1. Student has a complaint
2. Approaches Trainer/PEO with complaint
3. Trainer/PEO resolves complaint internally on an informal basis

Formal Complaint Procedure

1. Student has a complaint
2. Student lodges the complaint in writing to the PEO within 5 business days of the incident occurring
3. The written complaint will be acknowledged by the RTO in writing, along with an outline of the processes to be followed and an estimated time frame.
4. Review of the complaint to begin within 10 working days of the written complaint being received
5. The students enrolment will be maintained during the review process (if there is a threat the student will be deported)
6. A written statement detailing the outcome of the complaint review will be given to the student
7. In the event of a favourable outcome for the student, the RTO will immediately advise and implement any decision
8. If student unhappy with result – able to lodge internal appeals process
9. Student able to pursue external appeal at no extra cost to them if they are unhappy with the outcome of the complaint review.(Refer to Policy for External Providers)

Related National Code 2018 Standard 10

Overview of Standard 10

Registered providers' complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

- 10.1 The registered provider must have and implement a documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.
- 10.2 The registered provider's internal complaints handling and appeals process must:
 - 10.2.1 include a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally
 - 10.2.2 include that the provider will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the registered provider, the registered provider's education agents or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services
 - 10.2.3 commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the registered provider's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable
 - 10.2.4 ensure the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings
 - 10.2.5 conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
 - 10.2.6 ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
 - 10.2.7 keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.
- 10.3 If the overseas student is not successful in the registered provider's internal complaints handling and appeals process, the registered provider must advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at minimal or no cost. The registered provider must give the overseas student the contact details of the appropriate complaints handling and external appeals body.
- 10.4 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.