

STUDENT COMPLAINTS AND APPEALS POLICY

PREAMBLE

The College aims to provide an effective and acceptable procedure for students to bring complaints and appeals to the attention of the College.

All complaints and appeals by a student will be handled professionally and confidentially, with the aim of achieving a satisfactory resolution as soon as practicable. The College is committed to conducting the assessment of all complaints or appeals in a professional, fair and transparent manner.

This Policy is available to all students via the College's website and through the student orientation manual. A summary of the Policy is displayed on all Campus notice boards.

DEFINITIONS AND ACRONYMS

“**College**” means Australian Pacific College, English Unlimited and Australian Pacific Travel and Tourism.

“**ELICOS**” means English Language Intensive Courses for Overseas Students.

“**ESOS Act**” means the Education Services for Overseas Students Act 2000

“**Extenuating Circumstances**” relating to the welfare of the student include, but are not limited to, circumstances where the student:

- refuses to maintain approved care arrangements (only for students under 18 years of age);
- is missing;
- has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's well being;
- has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- is at risk of committing a criminal offence.

“**National Code 2018**” means the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

“**Overseas Student**” means a person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act.

“**Policy**” means this Student Complaints and Appeals Policy.

1. RESPONSIBILITIES OF STAFF AND MANAGERS

- 1.1 Student Care are responsible for responding to student complaints in an appropriate manner. They also have the responsibility of ensuring that students involved in the complaint and appeals process understand their rights and responsibilities in relation to this Policy.
- 1.2 The staff member charged with conducting the complaints and appeals process must ensure that all determinations are actioned and outcomes properly documented in a complaints and appeals report (paper based or digital - refer to the Complaints and Appeals Report in this Policy).

2. INTERNAL COMPLAINTS AND APPEALS PROCESS

- 2.1 The College has a two (2) step internal complaints and appeals process (which is discussed in detail below):
 - a) **Step 1** involves an *informal internal stage* to resolve complaints or appeals.
 - b) **Step 2** involves a *formal internal stage*, which requires a complaint or appeal to be made in writing and formally lodged with the College. The College will undertake an investigation of the complaint or review the decision subject to appeal and a written report of the outcome of the investigation or appeal will be prepared.
- 2.2 The College's internal complaints and appeals process is provided at no cost to the student.

3. STEP 1 – INFORMAL INTERNAL STAGE

- 3.1 **SELF HELP** - Students are encouraged to attempt informal resolution of any complaint or appeal they may have by directly talking to the staff member or student to whom the complaint or appeal relates.
- 3.2 **SEEK ASSISTANCE** - If self help fails (see clause 3.1), or you don't feel you can personally deal with the problem, or they don't stop, please seek immediate help from your teacher/trainer or Student Care. The person you seek help from will listen to you, discuss options for resolution and assist you with taking the next step in resolving the problem. These discussions should be recorded and filed in the student's file and TEAMS . A resolution will only occur when the person seeking help is satisfied that the issue is resolved.

- 3.3 For **academic matters**, that is, matters concerning teaching, learning, or assessment issues in courses, please discuss the matter with the relevant teacher or trainer. If the student believes that the matter cannot be resolved by discussion with the relevant teacher or trainer, then the student should see the Coordinator/Academic Manager.
- 3.4 For **administrative matters**, that is, matters concerning the management of the College including the administration of enrolment, the College's education agents or any related party the College has an arrangement with to deliver courses or related services, please see Student Care.
- 3.5 For **personal or welfare matters**, that is, matters concerning security, safety and general well-being please see Student Care. ***In cases concerning your immediate safety and security, please see any staff member or security guard.***

SERIOUS COMPLAINTS

If you have a serious complaint regarding inappropriate conduct or behaviour of any teacher, trainer or staff member please arrange to see the Assistant Academic Manager (ELICOS) or the Campus Coordinator/Manager/Director immediately.

If it is not possible to resolve complaints informally proceed to the formal complaints and appeals process set out in clause 4 immediately.

- 3.6 All informal attempts at resolution of a complaint should be documented and filed in the student's file and in TEAMS.

4. STEP 2 – FORMAL INTERNAL STAGE

- 4.1 The procedure in this clause should only be used after the student has, where possible, attempted to resolve their matter informally (as per clause 3 above) and may be used where they have a complaint regarding any matter concerning the College, teacher, trainer or staff member or where you are appealing a decision of the College.

- 4.2 **NOTE:** All complaints and appeals must be submitted in writing on the **attached Complaints and Appeals Form**, which is also available on the College websites (www.apc.edu.au – www.aptt.edu.au – www.eu.edu.au) and from Student Care or Reception.
- 4.3 When completing the Complaints and Appeals Form, the student should provide a detailed report of their complaint or appeal and if necessary attach any documentation they believe to be relevant (including but not limited to their documented attempts at informal resolution).
- 4.4 The completed Complaints and Appeals Form must be submitted to the Assistant Academic Manager, Campus Manager/Director or Principal Academic Director via Reception or Student Care. The student will receive a receipt slip (or on screen message in the case of digital forms) acknowledging that their complaint or appeal has been received by the College.

5. INVESTIGATION OF THE FORMAL COMPLAINT OR APPEAL

- 5.1 The College will commence an investigation of the submitted written complaint or appeal no later than 10 days of receipt of the completed Complaints and Appeals Form.
- 5.2 As part of the College's investigation, the student will be given an opportunity to present their complaint or appeal at a formal meeting if necessary. The student may invite a support person to accompany and assist them in the meeting. The student may also be asked to provide relevant supporting documentation or additional documentation and may be asked to take steps to verify the authenticity of the documents they provide (including medical certificates, if relevant).
- 5.3 Where a complaint concerns another person, that person will be given the opportunity to provide a formal response to the complaint.
- 5.4 In the event that the complaint/appeal takes longer than 60 calendar days to resolve the College will advise the student in writing of the reasons for why the process needs additional time.

6. FINALISATION OF FORMAL COMPLAINTS AND APPEALS

- 6.1 The College will finalise the Complaint and Appeals Process as soon as practicable.
- 6.2 The College will communicate the outcome of the investigation of the complaint or appeal and a written report of the outcome, including the reasons for the outcome, will be provided to the person who made the complaint. A

copy of the complaint or appeal, the written report (including the outcome and reasons for the outcome) and other related records will also be kept by the College on the student's file and TEAMS.

7. FORMAL EXTERNAL COMPLAINTS AND APPEALS PROCESS

- 7.1 Students who are not satisfied with the result or conduct of the College's internal complaints and appeals process have the right to access an external complaints handling and appeals process at minimal or no cost. The College will remind students of this right within 10 days after an unsuccessful internal formal complaint/appeal.
- 7.2 Students may contact the Overseas Students Ombudsman to externally pursue a complaint or appeal. The Overseas Students Ombudsman investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The Overseas Students Ombudsman provides a free, independent and impartial service. The Ombudsman does not represent either overseas students or private education providers and can make recommendations arising out of investigations.
- 7.3 Students who access the external appeal process should be aware that the College may be requested to disclose information that is private and personal to the student and, by accessing the external appeal process, the student consents to the disclosure of such private and personal information by the College.
- 7.4 Students may also take action under Australia's consumer protection laws and, where a student does so, the student is deemed to have accessed the College's internal complaints and appeals process. This can be done through the Department of Fair Trading or the Australian Skills Quality Authority.
- 7.5 External review agencies include the Overseas Student's Ombudsman (1300 362 072), the Anti-Discrimination Board (02 9268 5555) or the Department of Fair Trading (13 3220). Further information may be obtained from the Department of Fair Trading's website www.fairtrading.nsw.gov.au
- 7.6 Students who access the external complaints and appeals process will need to follow the procedure set out by the relevant external body.

8. DECISIONS

- 8.1 Where any internal or external complaints and appeals process results in a decision that supports the student, the College will as soon as practicable

implement the decision/recommendation and any corrective and/or preventative action required and advise the student of the outcome.

9. UNSATISFACTORY COURSE PROGRESS/ATTENDANCE

- 9.1 The College is, in some cases, required to report a student to the relevant Australian government authorities for unsatisfactory course progress or unsatisfactory attendance. *Reporting a student for unsatisfactory course progress or unsatisfactory attendance has serious consequences and may impact on the student's visa.*
- 9.2 In the case where the College intends to report the student for unsatisfactory course progress or unsatisfactory attendance, the student will be notified in writing and given **20 working days** to access the College's internal complaints and appeals process (clauses 3 and 4 above). The 20 working day period will commence from the date the student receives notification of the College's intention to report the student. If the student does not access the College's internal complaints and appeals process within the 20 working days then the College will report the student without further notice.
- 9.3 Where the student accesses the complaints and appeals process, the College will maintain the student's enrolment and not report the student until the College's internal complaints and appeals process and, if accessed, the external complaints and appeals process is complete and a decision has been made to support the action of reporting the student.

10. CANCELLATION OR SUSPENSION OF STUDENT'S ENROLMENT

- 10.1 The College is entitled to suspend or cancel a student's enrolment at the College in certain circumstances including, but not limited to, where the student fails to pay fees or other monies due and payable or misbehaviour by the student.
- 10.2 In the case where the College intends to suspend or cancel the student's enrolment at the College, the student will be notified in writing and given **20 working days** to access the College's internal complaints and appeals process (clauses 3 and 4 above). The 20 working days will commence from the date the student receives notification of the College's intention to suspend or cancel the student's enrolment. If the student does not access the College's internal complaints and appeals process within the 20 working days then the College will suspend or cancel the student's enrolment without further notice.

- 10.3 Failure to comply with the time limit above will result in the suspension or cancellation of the student's enrolment, which may impact on the student's visa.
- 10.4 If the student accesses the College's internal complaints and appeals process, the College will maintain the student's enrolment until the internal complaints and appeals process is completed, unless Extenuating Circumstances relating to the welfare of the student apply, in which case the College may immediately suspend or cancel the student's enrolment prior to the completion of the internal complaints and appeals process.

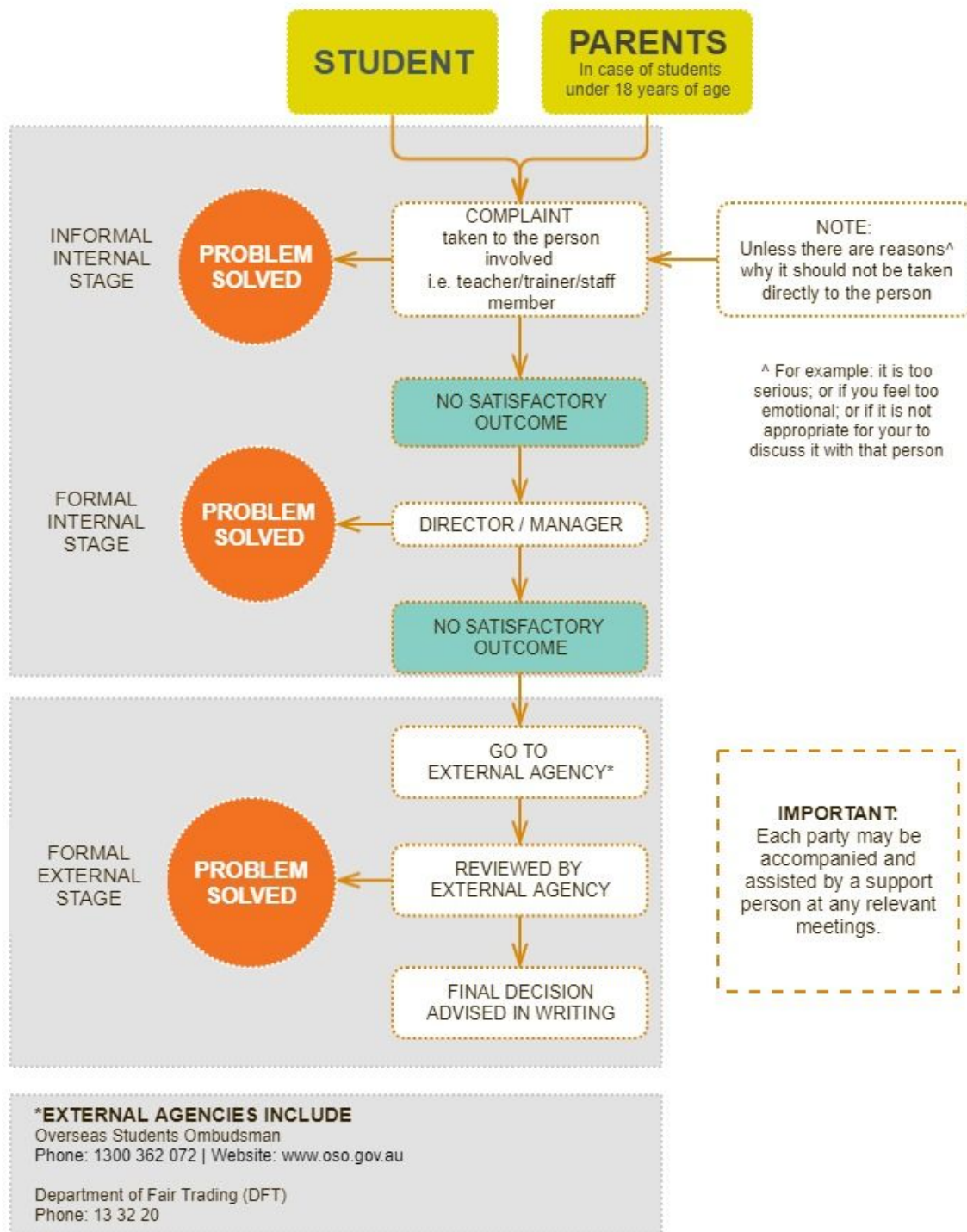
11. FURTHER INFORMATION

11.1 For further information please contact:

State	Telephone	Email
Queensland	07 3003 0088	For English Unlimited: info@eu.edu.au
New South Wales	02 9251 7000	
Victoria	03 8689 5500	For Australian Pacific College/Australian Pacific Travel & Tourism: info@apc.edu.au

- 11.2 The College websites also contains links to important legal sites in Australia.
- 11.3 Students should be aware that the College's letter of offer and the availability of the complaints and appeals process does not remove the right of the student to take action under Australia's consumer protection laws.

STUDENT COMPLAINTS AND APPEALS PROCESS



COMPLAINTS & APPEALS FORM

Student Name:

Student Number:

Course: English Vocational Other

Did you receive a notice of intention to report? No Yes → *Please attach copy*

Details of Complaint

Student's Signature: _____

Date:

A complaint is a problem you might experience with the College, about something that has happened which you believe is unfair.

You should try and resolve your complaint by directly talking/writing to the person to whom the complaint or appeal relates, or a teacher or Student Care if the matter relates to a process of the College.

This form is to be used after you have exhausted your efforts to resolve the complaint informally. If complaints are not resolved after discussion with the College, you may wish to refer to an external agency, e.g. The Overseas Students Ombudsman (1300 362 072), the Anti-Discrimination Board (9268 5555) or the Department of Fair Trading 13 3220. Further information may be obtained from the Department's website: www.fairtrading.nsw.gov.au

All complaints will be taken seriously and a written statement will be given, outlining the complaint, how it has been handled on appeal, the outcome and reasons for any decisions made. Also refer to the College's website which has links to important legal sites in Australia.

The College's complaints and appeals process does not limit the rights of students to take action under Australia's consumer protection laws, or any other relevant laws.

Form received on:

Received by:

Name:

Student ID:

Signature of Complainant:

Submitted to Australian Pacific College Australian Pacific Travel & Tourism English Unlimited
Submitted at Bondi Junction Clarence St Kent St Manly York St
 Brisbane Gold Cost Lonsdale St Queen St
Course: English Vocational Other

Name of Receiving Officer:

Signature of Receiving Officer:

Your complaint/appeal is being processed

COMPLAINTS AND APPEALS REPORT

Student Number:

Student Name:

Other interested parties:

Date Complaints and
Appeals Form received:

Author of Report:

Position:

Date of this Report:

Signed:

DETAILS

Grievance:

Investigation:

Resolution:

Follow up Action:

POLICY REVIEW

This Policy will be reviewed as part of the College's three (3) yearly review or as legislation requires.

RELEVANT LEGISLATION

Relevant Legislation/codes/standards	
Commonwealth	National Code of Practice for Providers of Education and Training to Overseas Students 2018 and Education Services for Overseas Students Act 2000 (Cth)

RELATED POLICIES AND PROCEDURES

Related Policies and Procedures	
Policies	ELICOS Course Progress Policy; VET Course Progress Policy; ELICOS Attendance Policy; VET Attendance Policy; and Harassment, Victimization and Bullying Policy.

KEYWORDS

Keywords	Complaints, appeals, internal complaints procedure, external complaints procedure, ombudsman
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POLICY OWNER

Policy Owner	Learner Experience Enterprise Unit; and Learning Innovation Enterprise Unit
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POLICY/PROCEDURE HISTORY

Policy History			
Current version	Current version release date	Author	Description of changes
Student Complaints and Appeals Policy v2.1R	23 March 2015	Sharon Luhr	Original Document
Student Complaints and Appeals Policy v2.3R	December 2017	Sara Gaudry	Full update in accordance with the Policy and Procedure Template v1.0, Guidelines for Drafting Policies and Procedures v1.0 and the National Code 2018.
Student Complaints and Appeals Policy v2.4R	January 2019	Sara Gaudry	Revision of the Student Complaints and Appeals Policy v2.3R.