

## English Language School in Sydney Complaints and Appeals Policy and Procedures

### National Code Standard 10

*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.*

## ELSIS Complaints and Appeals Policy & Procedures

CRICOS Provider: 02644C

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<b>Related Documents</b>	<p>English Language School in Sydney Website</p> <p>English Language School in Sydney Orientation Guides</p> <p>ELSIS Monitoring Student Course Progress, Attendance and Course Duration Policy and Procedures. (Standard 8)</p> <p>English Language School in Sydney Deferment, Suspension or Cancellation of Study During Enrolment Policy and Procedures (Standard 9)</p>
<b>Administrator</b>	<p>Education Centre of Australia's Senior Admissions Officer</p> <p>ECA Quality and Compliance Officer</p>
<b>Compliance and Monitoring</b>	<p>DoS</p> <p>Compliance Officer</p>

## 10.1 Rationale

10.1.1 A fair and transparent means of making formal complaints and appealing academic and related decisions is an integral part of all training and assessment, and a requirement under Australian law to meet the requirements of 'Standard 10 – Complaints and Appeals' of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students*.

10.1.2 These policies and procedures for managing Appeals are designed to ensure compliance with all legislative and regulatory requirements established under the:

- ESOS ACT;
- ESOS Regulations;
- National Code;
- Migration Act; and
- Migration Regulations

## 10.2 Aim

10.2.1 To provide students and staff of ELSIS with guidelines on the Complaints and Appeals processes for appealing academic and related decisions.

## 10.3 *Internal Complaints Handling and Appeals Process and Policy*

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 a 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.*

## 10.4 General Policy

10.4.1 Students who are concerned about the conduct of ELSIS staff are encouraged to resolve their concerns using this procedure.

10.4.2 The procedure will be implemented at no cost to the student.

10.4.3 All prospective students will be provided with information about the complaints and appeals procedure before finalising their enrolment.

10.4.4 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.

10.4.5 Students will be provided with details of external authorities they may approach, if required.

10.4.6 At any stage in the internal complaint or appeal process students are entitled to have a support person whom may accompany them.

10.4.7 Students may raise any matters of concern relating to training delivery and assessment, the quality of teaching, student amenities, discrimination, sexual harassment and other issues.

10.4.8 For internal complaints and appeals:

- The student will have an opportunity to formally present their case, in writing or in person at no cost to the student.
- The student may be accompanied and assisted by a support person excluding legal representatives at any relevant meetings.

10.4.9 A student's enrolment must be maintained whilst an internal complaint or appeal is in progress, where the outcome has not been determined, and the internal complaint or appeal is initiated by the student. Where the suspension or cancellation is not initiated by the student and if the student accesses the Complaints and Appeal process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply as stated in the *Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy & Procedures*.

10.4.10 ELSIS will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by ELSIS.

10.4.11 If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported to the ECA management meeting as part of the continuous improvement process.

10.4.12 Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to contact:

Overseas Student Ombudsman [www.oso.gov.au/making-a-complaint](http://www.oso.gov.au/making-a-complaint) Phone:  
1300 362 072 (or outside Australia +61 2 6276 0111)  
Mail – Overseas Student Ombudsman, GPO Box 442, Canberra Act 2601, Australia.

10.4.13 ELSIS will keep proper records of all informal and formal discussions conducted under this policy and procedure and their outcome on student files.

## 10.5 Complaint Procedure: Informal Complaint Process

10.5.1 Any student with a question or complaint may raise the matter with staff of ELSIS and attempt an informal resolution of the question or complaint. We suggest that the student attempts to speak with the teacher, then Coordinator, then ADoS or DoS. Students can complete a feedback form to assist all parties understanding the issue.

10.5.2 Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the ELSIS staff member involved determines that the issue question or complaint was relevant to the wider operation of ECA.

10.5.3 Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

### Formal Complaint Process

10.5.4 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so. To register a formal complaint a student must complete the Student Complaint Form and submit it to Student Services who will then arrange an interview for the student with the Director of Studies. At this meeting the complaint can be raised, and a resolution attempted.

10.5.5 The following matters must be lodged as formal complaints within 20 days of the student receiving a Notification of an Intention to Report to DHA, in order to be considered by ELSIS:

- Deferral of commencement, suspension or cancelling a student enrolment
- Non-achievement of satisfactory attendance • Non-achievement of satisfactory course progress.

10.5.6 At the stage of the complaint meeting, the complaint must be recorded in writing and signed and dated by the complainant and the Director of Studies. The complaint is recorded in writing by completing the Student Complaint Form prior to the meeting or a new document can be prepared and signed during the meeting.

10.5.7 The Director of Studies will then attempt to resolve the complaint with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint being lodged in writing.

10.5.8 A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.

10.5.9 At the end of the resolution phase the Director of Studies will report the ELSIS decision to the student. ELSIS's decision and reasons for the decision will be documented by the Director of Studies and placed in the student's file.

10.5.10 Following the resolution phase ELSIS will implement the decision as conveyed to the student and to undertake any improvement actions arising from the complaint.

10.5.11 If a student is dissatisfied with the outcome of the formal complaint process then they may institute an internal appeal process by completing the Appeals Form.

## 10.6 Appeal Procedure: Internal Appeals

10.6.1 Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by ELSIS.

10.6.2 Students appealing an assessment or course outcome will be given the opportunity for reassessment by a different assessor selected by ELSIS. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.

10.6.3 A student's enrolment must be maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined if the internal complaint or appeal is initiated by the student. Where the suspension or cancellation is not initiated by the student and if the student accesses the Complaints and Appeal process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply as stated in the Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy & Procedures

10.6.4 The appeals process is initiated by a student completing and lodging a Complaint & Appeal Application Form through Student Services.

10.6.5 The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.

10.6.6 An Appeal Panel comprising two senior staff members not directly involved in the matter will be convened by the Director of Studies within 10 working days of the appeal application being received.

10.6.7 The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and ELSIS, and placed in the student file

10.6.8 The decision of the Appeal Panel will be communicated to the student in writing within 5 working days, unless the Appeal Panel decides that additional investigation, information or monitoring are required. In this case the student will be advised of the decision within 5 working days of the Appeal Panel reaching a decision.

10.6.9 Following the internal appeals phase ELSIS will implement the decision as conveyed to the student and implement any improvement actions arising from the complaint.

10.6.10 There are no further avenues within ELSIS for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available.

## 10.7 External Appeals

*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.*

## External Appeals

10.7.1 Students may seek assistance from a formal external authority within 10 working days from receipt of their Appeal Outcome Letter if they are not satisfied with the decision reached. ELSIS recommends an external organisation for this mediation service. ELSIS refers external appeals to the Overseas Student Ombudsman. There is no cost incurred by the student for the mediation.

Overseas Student Ombudsman [www.oso.gov.au/making-a-complaint](http://www.oso.gov.au/making-a-complaint) Phone:  
1300 362 072 (or outside Australia +61 2 6276 0111)  
Mail – Overseas Student Ombudsman, GPO Box 442, Canberra Act 2601, Australia.

10.7.2 The purpose of the external appeals process is to consider whether ELSIS has followed its student complaint and appeals procedure, not to make a decision in place of ELSIS. For example, if a student appeals against his or her subject results and goes through ELSIS'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.

10.7.3 The external appeals procedure will be determined by the independent mediator.

10.7.4 Following the receipt of the outcome of the external appeal ELSIS must immediately implement the decision, convey the outcome to the student and undertake any improvement actions arising from the complaint.

10.7.5 If an appeal is against ELSIS decision to report the student for unsatisfactory course progress or unsatisfactory attendance ELSIS must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external appeals process is complete and has supported the provider's decision to report.

10.7.6 If an appeal is against ELSIS decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment ELSIS only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Secretary of DHA through PRISMS of the change to the student's enrolment.

## 10.8 Associated Documents

- Student Informal Feedback Form
- Teacher's Issues Feedback Form
- Outcome of Complaint/ Appeal Letter (unsuccessful)



- Outcome of Complaint/ Appeal Letter (successful)
- Student Formal Complaint Form
- Appeal Record Form

10.8.1 A registered provider must only report an overseas student for unsatisfactory course progress or attendance in PRISMS after:

- the internal and external complaints processes have been completed and the breach has been upheld;
- the overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period;
- the overseas student has chosen not to access the external complaints and appeals process; or
- the overseas student withdraws from the internal or external appeals process, by notifying the registered provider in writing.