

EL SIS Complaints and Appeals Policy and Procedures

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Document Owner	EL SIS Principal Executive Officer		
Responsible Officer	Director of Studies		
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References and Legislation	Education Services for Overseas Students Act 2000 (Cth); The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code) The Privacy Act 1988 (Cth)		
Related Documents	EL SIS Student Orientation Guide; Monitoring Student Course Progress and Course Duration Policy and Procedures; Attendance Policy and Procedures; Student Code of Conduct, English Language School in Sydney Deferment; Suspension or Cancellation of Study During Enrolment Policies and Procedures		
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3.0	Reviewed and updated 04/11/2020	Principal Executive Officer 04/11/2020	04/11/2020
3.1	Updated to align with National Code Requirements	Principal Executive Officer 11/05/2021	18/05/2021

1. Purpose

The purpose of this Policy and procedure is to assist English Language School in Sydney (EL SIS) staff and students with the legislative complaints and appeals policy requirements and procedures relating to overseas Student Visas in Australia.

2. Scope

This Policy applies to students enrolled in and studying at EL SIS under Student Visa Conditions. This Policy articulates the monitoring, managing, and recording of overseas students' complaints and appeals practices as they apply to international students in compliance with the ESOS National Code Standard 10.

3. Policy

EL SIS provides students a fair and transparent means of making informal and formal complaints. All prospective students will be provided with the EL SIS complaints and appeals procedure information before finalising their enrolment.

In accordance with the Standard 10.2.2 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, EL SIS will respond to a complaint or appeal made by an overseas student in relation to the student's dealings with EL SIS, its' agents, or any third party EL SIS has contractual agreement to deliver services and activities such as:

- The Application and enrolment process
- Marketing information
- The quality of teaching provided
- Course and related services

- The assessment of student level, including student progress and student support services.
- The way someone has been treated
- The actions of another student.

4. Complaint Procedure

4.1 Informal Complaint Process

- Students may choose to raise any matter with their teacher, course coordinator, the Associate Director of Studies (ADoS), the Director of Studies (DoS), or Student Services. The student may attempt an informal resolution of the question or complaint. ELSIS suggests that the student complete a feedback form to assist all parties in understanding the issue.
- Questions or complaints dealt with informally do not become part of the formal complaint process and will not be documented unless the ELSIS staff member involved determines that the issue, question, or complaint was relevant to the wider operation of ELSIS.
- Students not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

4.2 Formal Complaint Process

- Students 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 a Student Complaint Form and submit the form to Student Services.
- Once a formal complaint is received, Student Services must arrange an interview for the student with the Director of Studies. At this meeting, the complaint can be raised, and a resolution attempted.
- During the interview/complaint meeting:
 - The assessment of the complaint will be conducted in a professional, confidential, fair, and transparent manner.
 - The complaint will be recorded in writing by completing the Student Complaint Form before the meeting; alternatively, a new document can be prepared and signed during the meeting.
 - The written complaint will be signed and dated by the complainant and the Director of Studies.
- The student may be accompanied and assisted by a support person, excluding legal representatives, at any relevant meetings and/or at any stage during the complaints process.
- The Director of Studies will attempt to resolve the complaint with the student and any other parties involved. The resolution phase must commence within 10 working days of the complaint being lodged in writing.

5 The Complaint Resolution Phase

- 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.
- The Director of Studies will report the ELSIS decision to the student at the end of the resolution phase. ELSIS's decision and reasons for the decision will be documented by the DoS and recorded in the student's file on RTO.
- Following the resolution phase, ELSIS will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint.
- If a student is dissatisfied with the formal complaint process's outcome, they may institute an internal appeal process by completing the Appeals Form.

6 Appeal Procedure: Internal Appeals

An internal appeal is a request by a student to reconsider a decision made by ELSIS. The student must lodge a Complaint and Appeal Application Form through Student Services. Internal appeals may arise from several sources, including

- appeals against assessment
 - appeals against discipline actions
 - appeals against decisions arising from complaints.
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- Students appealing an assessment or course outcome will be provided with the opportunity for reassessment by a different assessor selected by ELSIS. The recorded outcome of the assessment appeal will contain the most favourable result for the student from either the original assessment or the reassessment.
 - An appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
 - The student initiates an internal complaint or appeal. The student's enrollment must be maintained whilst an internal complaint or appeal is in progress, and the outcome has not been determined.
 - Where the student does not initiate suspension or cancellation 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 *Deferment, Suspension or Cancellation of a Student During Enrolment Procedures*.
 - ELSIS students must lodge the following 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.
 - The Appeal Panel must comprise of two senior staff members who are not directly involved in the matter. The Director of Studies will convene the panel within 10 working days of the appeal application being received.
 - The decision of the Appeal Panel will be communicated to the student in writing within 5 working days. The decision may be delayed should the Appeal Panel decide that additional investigation, information, or monitoring are required.
 - In this case, additional investigation, information, or monitoring are required. The student will be advised of the decision within 5 working days of the Appeal Panel reaching a decision.
 - Following the internal appeals phase, ELSIS will implement the decision as conveyed to the student and implement any improvement actions arising from the complaint.
 - The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and DoS. The signed document will be placed in the student file, and a copy of the outcome will be shared with the student.
 - 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

7. **Appeal Procedure: External Appeals**

- 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 how the internal appeal was conducted and would not make a determination as to what the subject result should be.
- Should the internal or any external complaints handling or appeal process result in a decision or recommendation in favour of the overseas student, ELSIS will 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.
- Should the overseas student not be successful in the ELSIS internal complaints and appeals process, ELSIS will advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaint handling and appeals process at minimal or no cost. ELSIS will give the overseas student the contact details of the appropriate complaints handling and external appeals body.
- 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 will recommend an external organisation for this mediation service and will refer external appeals to the Overseas Student Ombudsman and provide the relevant contact details.
- There is no cost incurred by the student for the mediation.
- The independent mediator will determine the external appeal procedure.
- Following receipt of the outcome of the external appeal, ELSIS will immediately implement the decision and convey the outcome to the student.
- If an appeal is against an ELSIS decision to report the student for unsatisfactory course progress or unsatisfactory attendance, ELSIS will 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.
- If an appeal is against an ELSIS decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, ELSIS will await the outcome of the internal appeals process only before notifying the Secretary of DHA through PRISMS of the change to the student's enrolment.
- ELSIS will keep a written record of all complaints and/or appeals, including a statement of the outcome and reasons for the outcome.
- Should any matter arising from a student complaint or appeal that is a systemic issue that requires improvement action, it will be reported to the ELSIS General Manager and the Director of Studies and as part of the continuous improvement process.