

# Complaints and appeals Policy & Procedure

## Complaints and appeals Policy and Procedure

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### Version Control

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29.07.2016	Policy update	01.01.2018
01.01.2018	National Code 2018 Released	01.01.2020
07.10.2020	Update DET to DESE	01.01.2021

## Purpose and Scope

The purpose of this document is to ensure that all staff are aware of procedures for dealing with a student grievance.

As a best practice English Language provider, Hawthorn-Melbourne recognises the importance of providing students with a fair, open and confidential complaints and appeals process.

National Code 2018, Standard 10 (10.1) states: “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.”

### **Hawthorn-Melbourne Complaints and Appeals processes:**

- Give students a voice
- Negotiate realistic outcomes
- Solve students problems where possible
- Lead to improvements in our services

### **The principles underlying Hawthorn-Melbourne complaints and appeals processes are:**

- Equality
- Fairness
- Openness
- Respect
- Confidentiality
- Timeliness

### **Hawthorn-Melbourne Complaints and Appeals options include:**

- Internal Informal Discussion
- Internal Formal Appeal
- External Formal Appeal

## Procedure

### Information to Students

Students are made aware of Hawthorn-Melbourne Complaints and Appeals for International Students processes in a number of ways by Hawthorn-Melbourne:

- Student handbook
- Centre signage
- During the appeal process

### All Discussions and Appeals

- Any Hawthorn-Melbourne staff member may be approached by a student with a grievance
- No grievance is so trivial that it should be dismissed. An apparently trivial complaint may indicate a deeper-rooted dissatisfaction
- Students should be assured that the matter will be dealt with speedily, sensitively, impartially and confidentially
- Students are entitled to be assisted or accompanied by a support person

### Internal Informal Discussion

The following will take place during the internal informal appeal:

1. Student raises their grievance with any Hawthorn-Melbourne staff member
2. Hawthorn-Melbourne staff assess the grievance and attempt to address the grievance informally (e.g. through discussion of the matter with the affected parties)

### Internal Formal Appeals\*

The internal formal appeals process occurs when the student is unhappy a decision or a proposed decision made by Hawthorn-Melbourne (e.g. refund decision, intent to report to DHA (Immigration) for unsatisfactory attendance)

The Hawthorn-Melbourne internal formal Complaints and Appeals process must:

- Keep a written record of the complaint or appeal;
- Provide a student with the opportunity to formally present their case at minimal or no cost;
- Allow the student to be assisted or accompanied by a support person;
- Provide a written statement of the outcome, including details of the reasons for the decision;
- Ensure that the process begins within 10 working days of receiving the formal written lodgement of the complaint or appeal;
- Advise the student if they are not satisfied with the result or conduct of the internal complaint handling and appeals process, that they can access the external appeals process at minimal or no cost; and

- Ensure that if the outcome of the student's internal appeal is favourable to the student, then Hawthorn-Melbourne must immediately advise the student and implement any decision and/or corrective and preventative action as required.

The following will take place during the internal formal appeal:

1. Student lodges their grievance in writing with the relevant Hawthorn-Melbourne staff member
2. The complaints and appeals process is explained to the student
3. The student presents their case to the appropriate staff member at Hawthorn-Melbourne and the details of the grievance are recorded on the **Complaints and Appeals Form**
4. The relevant Hawthorn-Melbourne staff member assesses the details of the grievance including (but not limited to):
  - Student circumstances
  - Supporting documentation
  - Other parties e.g. witnesses
5. Once a decision is made on the outcome of the complaint or appeal
  - The relevant Hawthorn-Melbourne staff member completes the **Complaints and Appeals Form\***, and
  - Advises the student of the outcome and gives the student a copy of the complaints and appeals form
6. If the outcome is favourable to the student, Hawthorn-Melbourne immediately implements the decision and/or corrective and preventative action as required.
7. If the student is unhappy with the outcome they are advised that they can lodge an appeal externally
8. The details (including supporting/accompanying documents) of the complaint or appeal are saved/stored either electronically or in hard copy

\*All internal formal appeals must follow the internal formal appeals process except attendance internal appeals where processes detailed in the H-M Policy and Procedure: Student Attendance are to be followed.

#### **Notes on Internal Formal Appeals**

- Until the complaints and appeals process is completed, the provider must maintain the enrolment of the student. To 'maintain the student's enrolment' means the provider does not notify DESE of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).
- The provider must maintain the student's enrolment throughout the internal appeals process for all types of complaints or appeals. However, whether the provider must maintain the enrolment throughout an external appeals process depends on the type of appeal.

If the appeal is against the provider's decision to report the student for:

- Unsatisfactory Course Progress **or** Unsatisfactory Attendance

The provider must maintain the student's enrolment (ie. not report the student for unsatisfactory progress or attendance) until the external complaints process is complete and has supported the provider's decision to report.

The provider must wait for the outcome of the external process in this case as reporting a student for unsatisfactory progress or attendance may result in the cancellation of the student's visa.

If the appeal is against the provider's decision to:

- defer or suspend a student's enrolment due to misbehaviour, or
- cancel the student's enrolment

The provider only needs to await the outcome of the internal appeals process (supporting the provider) before notifying DESE through PRISMS of the change to the student's enrolment. Once DESE 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 Home Affairs (Immigration) a new Confirmation of Enrolment (CoE), or
- provide the Department of Home Affairs (Immigration) with evidence that he or she has accessed an external appeals process

Standard 8 of the National Code 2018 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.

## External Formal Appeal

Should the matter remain unresolved after the internal process is complete, the student can access an external appeal forum. The following will take place:

1. The student must be advised that they can lodge their appeal externally
2. The student is advised of how to lodge their appeal externally
3. Hawthorn-Melbourne and the student act according to the external appeal forum's directions and processes throughout the external appeal process
4. Hawthorn-Melbourne immediately implements the external forum's decision and/or corrective and preventative action required and advise the student of the outcome by:
  - Informing the student promptly of the decision reached by the external body
  - Updating the SMS to record the outcome, and any subsequent actions (e.g. report the student to DHA – Immigration)

## References

H-M Complaints and Appeals for Overseas Students

H-M Complaints and Appeals Form

H-M Policy and Procedure: Student Attendance

## Responsibility/Authority

- **ALL Staff** to be aware of these procedures.

## Definitions

DHA	Department of Home Affairs (Immigration)
DESE	Department of Education, Skills and Employment
SMS	Student Management System (eBECAS)
PRISMS	Provider Registration and International Student Management System
e-CoE	electronic Confirmation of Enrolment