



Department of
Education



**CANNING
COLLEGE**

INTERNATIONAL STUDENT APPEALS AND COMPLAINTS POLICY

EFFECTIVE: 4 SEPTEMBER 2019

VERSION: 4.2

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1. POLICY STATEMENT

This policy outlines the internal and external complaints and appeals processes available to onshore international students. These processes are conducted in compliance with:

- *Standards for Registered Training Organisations 2015* (SRTOs), specifically: Clauses 6.1 – 6.5 complaints handling:
 - The registered training organisation (RTO) has a complaints policy to manage and respond to allegations involving the conduct of:
 - the RTO, its trainers, assessors or other staff;
 - a third party providing services on the RTO's behalf, its trainers, assessors or other staff; or
 - a learner of the RTO
 - The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.
 - The RTO's complaints policy and appeals policy:
 - ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaints and appeals process;
 - are publicly available;
 - set out the procedure for making a complaint or requesting an appeal;
 - ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
 - provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal.
 - The RTO:
 - securely maintains records of all complaints and appeals and their outcome; and
 - identifies potential causes of complaints and appeals and takes appropriate action to eliminate or mitigate the likelihood or reoccurrence.
- Standard 10 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018* (national Code 2018):
 - 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.

2. SCOPE

This policy details the internal and external complaints and appeals mechanisms available to onshore international students enrolled at Canning College.

3. PRINCIPLES

3.1 Access

Canning College will respond to any complaint or appeal the overseas student makes regarding his or her dealings with Canning College, and its education agents.

3.2 Transparency

Canning College provides overseas students with comprehensive, free and easily accessible information about the complaints and appeals process and policy via the:

- Canning College website.
- Student Offer Letter Package.
- International Course Guide.
- Orientation sessions.

3.3 Fairness

Canning College process follows the principles of natural justice and procedural fairness by allowing anyone subject to a decision by Canning College, or anyone who has allegations made against them, to tell their side of the story before a decision is made.

The student will be given the opportunity to formally present his or her case and be accompanied and assisted by a support person at any relevant meetings.

Where possible, all complaints and appeals processes will commence within 10 working days of the complaint been lodged and will be finalised the outcome as soon as practicable.

Where more than 10 working days are required to process and finalise the complaint or appeal, Canning College will:

- inform the complainant in writing, why more than 10 days are required; and
- regularly update the complainant on the progress of the matter.

3.4 Confidentiality and Privacy

Details of a complaint or appeal will be limited only to those involved in the resolution of the complaint, or the hearing of an appeal. Information is handled according to privacy laws and other relevant legislation, and will be reported without identifying parties to the complaint and/or appeal.

Canning College will securely maintain records of all complaints and appeals and their outcomes in compliance with privacy legislation and Canning College's Records Management Policy.

3.5 Continuous improvement:

Canning College will:

- monitor the outcome of any student complaints and appeals to ensure the completion of any resulting actions;
- identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence; and
- monitor the activity surrounding matters of complaints and appeals to ensure that the student is not disadvantaged as a result of lodging a complaint or appeal.

4. BACKGROUND

In compliance with legislative requirements, Canning College will respond to any complaint or appeal the overseas student makes regarding his or her dealings with Canning College and its education agents.

5. DEFINITIONS & ACRONYMS

Ombudsman	The Ombudsman is an independent officer of Parliament with responsibility to investigate the actions of public authorities.
Support person	Someone a person can nominate to attend a meeting with them to provide support and reassurance. They are not an advocate. They cannot provide advice, attempt to answer questions on the student's behalf or otherwise interrupt the meeting.

6. PROCEDURES

6.1 Complaints – Canning College

- 6.1.1 An international student who has an issue related to their course of study should, in the first instance, try to resolve the problem by speaking with a staff member in Student Services at the College.
- 6.1.2 If the issue cannot be resolved informally, students should be referred to the relevant Canning College complaints management process.
- 6.1.3 If the student is not satisfied with the outcome of the college complaints process, they may lodge a request for review by completing the Canning College Complaints Review Form. Once completed, the student must lodge the form through the formal complaints system at the college.
- 6.1.4 A college representative will forward the complaint to the Principal for review within two working days of lodgement and include the following:
- all supporting documentation and correspondence with the student in relation to the initial complaint; and
 - the outcome of the complaints process that has been communicated to the student.
- 6.1.5 Canning College will convene a review panel. Where necessary, the student may be required to provide additional information and in all cases be given an opportunity to meet with the panel as appropriate. If the student is invited to address the review panel, they will be informed of their right to be accompanied by a support person.
- 6.1.6 The college will keep a written record of the complaint including statement of the outcome and reasons for the outcome. Records will be stored in accordance with privacy legislation and Canning College Record Management Policy.

7. APPEALS MANAGEMENT

A student can appeal decisions made by Canning College to:

- report them for failing to maintain satisfactory attendance or course progress;
- refuse a request by the student to defer or suspend their enrolment;
- suspend or cancel their enrolment
- refuse a request to transfer to another Department of Education school or another registered provider; and
- resolve a formal complaint made to Canning College.

7.1 Internal Appeals Process

- 7.1.1 Students must submit their appeal in writing to the Director of International Operations, within 10 working days of receiving written notification.
- 7.1.2 When an appeal is received, the Director of International Operations will form a panel to review the appeal.
- 7.1.3 Canning College will ensure the student is provided with a written statement of the outcome of the internal appeal, including detailed reasons for the outcome, after it is endorsed by the Principal.
- 7.1.4 Canning College will keep a written record of the appeal. Records will be stored in accordance with privacy legislation and Canning's *Record Management Policy*.

7.2 External appeals process

If all internal review options have been exhausted and the problem still cannot be resolved, students will be advised that they may lodge an external appeal with the Ombudsman WA www.ombudsman.wa.gov.au if they feel the public education provider has:

- failed to follow a policy or process;
- not followed the standards in the National Code; or
- done something which is unfair.

If the matter proceeds to an external mediator or complaints body the student is responsible for determining if he or she will incur. International students incur no charge for the Australian Government's Overseas Students Ombudsman Service.

Ombudsman Western Australia PO Box Z5386
St Georges Terrace PERTH WA 6831 Or
Email: mail@ombudsman.wa.gov.au

7.3 Canning College's process during appeals

7.3.1 Canning College's decision will take immediate effect if either:

- no appeal is received within the required timeframe; or
- the appeal is in favour of Canning College.

7.3.2 If a student appeals a decision, Canning College will not implement the decision to:

- suspend or cancel the student's enrolment until the internal appeal process is concluded and the process supports Canning College's decisions; and
- report a student to authorities until any external appeal process is concluded and the outcome of this process supports Canning College's decision.

7.3.3 If a student appeals but subsequently notifies Canning College in writing that they have withdrawn the appeal, Canning College will immediately implement the decision.

7.4 Successful Appeals

7.4.1 If the appeal is upheld, the student's enrolment will remain current.

7.4.2 If the appeal is upheld due to compassionate or compelling circumstances, the student's enrolment will remain current but the student may be placed on an Intervention Strategy for additional support and monitoring over a period.

7.4.3 If an external appeals process has been completed, Canning College will immediately implement the decision or recommendations (where applicable); and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process, and notify the student of the outcome.

7.5 Unsuccessful Appeals

7.5.1 If the appeal is unsuccessful, Canning College will notify the student in writing and will issue the student with a Non-Compliance Notice, giving them 10 working days to make an external appeal to the Ombudsman Western Australia.

7.5.2 In accordance with Standard 10 of the *National Code 2018*, if the internal appeals process finds in Canning College's favour and the student pursues an external appeal, Canning College will not prolong the overseas student's enrolment, if the student's enrolment was due to lapse naturally.

8. RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

- *International Student Course Progress Policy*
- *International Student Code of Conduct Policy*
- *International Student Deferral, Suspension and Cancellation Policy*
- *Student Letter of Offer Package*
- *International Student Complaint Review Form*

9. RELEVANT LEGISLATION

- *Education Services for Overseas Students Act 2000*
- *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (The National Code)*
- *National Vocational Education and Training Regulator Act 2011*
- *Standards for Registered Training Organisations (RTOs) 2015*

10. REVIEW DATE:

November 2020

Development Date		July 2012 – previously <i>RTO Policy : Complaints and Appeals</i>	
Revision History			
Review Date	Reviewer Name	Review Reason	Outcome & Changes
July 2012 V1.2	Deputy Principal	Continuous Improvement	Reviewed in requirements accordance with legislation
March 2013 V2.0	Deputy Principal	Continuous Improvement	Reviewed and rewritten – renamed <i>International Student Complaints and Appeals Policy</i>
June 2014 V2.1	Deputy Principal	Continuous Improvement	Reviewed in requirements accordance with legislation
Nov 2014 V2.2	Deputy Principal	Continuous Improvement	Reviewed in requirements accordance with legislation
Feb 2015 V2.3	Deputy Principal	Continuous Improvement	Formatting template adjusted to reflect policy
April 2015 V3.0	Deputy Principal	Legislative changes	Updated to meet requirements of the <i>Standards for Registered Training Organisations 2015</i>
July 2016 V3.1	Deputy Principal	Sectoral changes	Adjusted to reflect the following changes: Changes to complaints and appeals processes;
Oct/Nov 2017 V3.2	Deputy Principal	Continuous Improvement	Adjusted to reflect feedback
Feb 2018 V3.3	Deputy Principal	National Code Compliance	Updated to address changes to the ESOS Code 2018
October 2018 V4.0	Deputy Principal	Re-Registration Audit	Updated to meet compliance requirements identified in Audit
January 2019 V4.1	Deputy Principal	Changes Clarification	To provide clarity in relation to Principles (4.1) and Procedures (5)
May 2019 V4.2	Deputy Principal	Continuous Improvement	Annual Review