

APPEALS POLICY AND PROCEDURE **FOR AN - INTENTION TO REPORT [ITR]**

1. Purpose

- 1.1.** The purpose of this policy and procedure is to define the system available to students for dealing with appeals in response to an Intention to Report letter.

AIPAH has developed this appeals procedure to:

- reassure students that any appeals will be taken seriously, handled professionally and confidentially in order to achieve a speedy resolution;
- all appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution with each complainant or appellant having an opportunity to formally present his or her case
- ensure that students have a clear understanding of the steps involved in the appeals policy;
- at any stage in the appeals process each party may be accompanied and assisted by a support person at any relevant meeting
- A student's enrolment will be maintained throughout the duration of the appeals process
- provide students with contact details of public, independent authorities who may assist in the event of a dispute or appeal

The aims of this policy are to ensure that:

- all appeals received will be given top priority and consideration with full attention to details with the objective of immediate solution, and amicable settlement to all parties concerned;
- resolution to any appeal between aggrieved parties will be addressed informally, and in an open and trusting environment; and
- students will be given a written statement of the appeal outcomes, including reasons for the decision.
- This policy and procedure are systematically developed under continuous improvement strategies

2. Responsibility

- 2.1.** The Principal or delegate is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application. This policy and procedure is available on the website and included in the Student Handbook for International students
- 2.2.** The Principal is responsible for monitoring the outcome of the appeal and ensuring the process is completed

3. Appeals Method

- 3.1.** Appeals may arise against an intention to report. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by AIPAH
- 3.2.** When a student appeals a decision by AIPAH, students should complete the Appeals Form available from the administration office
- 3.3.** The Appeal must be lodged within 20 working days commencing from the date of Intention to Report – Letter [ITR].
- 3.4.** The Appeal Form must then be lodged directly with the Principal and **must** meet the *Grounds for Appeal* (see 5.0 Definitions Point 5.3)

- 3.5.** Supporting evidence addressing the Grounds for Appeal must be attached
- 3.6.** If the student's appeal does not meet the Grounds for Appeal, the appeal will be rejected.
- 3.7.** A meeting may be called with the student to discuss further details relating to their appeal , if deemed necessary.
- 3.8.** After consideration of the documentation received with an Appeal, the grounds will be assessed and the student will be notified in writing of the outcome. as soon as practicable but usually within 14 days of receipt of the appeal
- 3.9.** If appeal remains unresolved, the student can access an external appeals process at minimal or no cost. The student is also entitled to nominate a person of their choice to represent them.
- 3.10.** All external appeals must be lodged in writing within 10 working days of the date of internal appeal outcome letter.

Note: The external appeal process is for the investigation of concerns regarding the schools policies and procedure and not extended to consideration of compassionate or compelling circumstances

3.10.1. External Appeals

Should the matter remain unresolved after the internal procedure is complete the Principal or their delegate will refer to student to ACPET to resolve the dispute and suggest an amicable solution and progress to an appeal. If an appeal is found to be substantiated, the School will cover the cost of the arbiter.

Contact for External Appeals

ACPET (Australian Council for Private Education and training)

Box Q1076, QVB PO, Sydney NSW 1230 Tel: (02) 9264 4490 Email:

Student.appeals@acpet.edu.au

3.11. In the case of an appeal against a possible report to DIAC relating to unsatisfactory course progress or attendance, only one external appeal will be permitted before the School will report to DIAC

3.12. If the appeal by the student is against the School's decision to:

3.11.1 report the student for Unsatisfactory Course Progress or Unsatisfactory Attendance
- the student's enrolment will be maintained until the external complaints process is complete and has supported the decision to report

3.11.2 defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment
- the school will only await the outcome of the internal appeals process before advising DIAC via PRISMS

4. Definitions

4.1. Appellant: Person making the appeal to a person, facility or service

4.2. Appeal: A formal request for reconsideration of a decision made on the basis of "Grounds for Appeal"

4.3. Grounds for Appeal: The reasons for appeal against the decision.

– Grounds are based on

- Compassionate or compelling circumstances -this means unusual or exceptional circumstances that are not part of daily life experience
- **The following are Grounds that must be strictly addressed in an appeals process with supporting evidence provided:**
 - Serious illness or injury, where a medical certificate states that the student is unable to attend classes for a significant period of time
 - If illness is psychological - must provide a psychologists report
 - Bereavement of close family members such as parents or grandparents
 - Major political upheaval or natural disaster in the home country requiring emergency travel
 - A traumatic experience which could include involvement in, or witnessing a serious accident; and witnessing or being the victim of a serious crime

The following are **not** unusual or exceptional circumstances and are not grounds for appeal:

- Work-related pressures
- Daily life traumas and stresses
- Relationship difficulties and break ups
- Minor illnesses i.e. non life threatening

4.4. Grounds Evidence - Documents to be provided with an appeal application

4.5. Formal appeals process: the process by which an appeal is dealt with when discussing the matter does not resolve the issue