

COMPLAINTS AND APPEALS POLICY AND PROCEDURES – International Students

1.0 Purpose

- 1.1 The purpose of this procedure is to define the system available to students for dealing with complaints and appeals [AQTF 2.6 and the National Code 2007– Standard 8]

2.0 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.
- 2.2 The Principal is responsible for monitoring the outcome of the formal complaint and appeal and ensuring the process is completed

3.0 Requirements

- 3.1 Students who are concerned about a situation, a process, a person or people, a facility or a service of AIPAH are encouraged to attempt to resolve their concerns using this procedure.
- 3.2 Students can only submit a complaint on an individual basis via the appropriate channels.
- 3.3 Students must submit appeals addressing the grounds criteria and provide supporting documentation.
- 3.4 All complaints and 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 at minimal or no cost to him or herself.
- 3.5 Students will be provided with details of external authorities they may approach, if required
- 3.6 At any stage in the complaint or appeals process each party may be accompanied and assisted by a support person at any relevant meeting.
- 3.7 A student's enrolment will be maintained throughout the duration of the complaint or appeal process.
- 3.8 The process commences within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable .
- 3.9 AIPAH will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation with an informal approach. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to mediate between the parties.
- 3.10 Nothing in this procedure inhibits students' 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 a solicitor; or-

- Contact: Law Society of New South Wales, 170 Phillip St, Sydney NSW 2000 Tel 02 9926 0333 for a referral to a solicitor.

4.0 Method

4.1 Informal Complaint or Appeal

- 4.1.1.1** Students are encouraged to solve any complaint directly through discussion in the first instance. If this does not provide the solution to the problem, then the formal complaints and appeals procedure is to be followed.

4.2 Formal Internal Complaint

- 4.2.1.1** To register a complaint, students must submit a letter or send an email to the Student Services Officer jasmine.clarke@arceducationgroup.com
- 4.2.1.2** When a formal complaint is received by Student Services, the Principal will be provided with a copy to ensure due process is followed.
- 4.2.1.3** Investigation by the Principal will occur, then a meeting scheduled with the complainant and the National Student Services Officer.
- 4.2.1.4** The student will be offered a meeting to discuss their complaint and may bring a support person with them
- 4.2.1.5** Minutes of the meeting will be taken and kept on the student's file as part of the complaint/appeal process.
- 4.2.1.6** If the student declines or fails to attend the scheduled meeting, a formal response will be decided in the student's absence
- 4.2.1.7** The student will be advised in writing of the outcome of their complaint including the reasons for such outcome.
- 4.2.1.8** The details of the complaint and outcome are placed in the student's file.

4.2.2 External Complaint

Should the matter remain unresolved following Step 4.2.7 the Principal or their delegate will recommend an independent mediator* to resolve the dispute and suggest an amicable solution and progress to an appeal. If a complaint is found to be substantiated, the School will cover the cost of the arbiter. Students must be aware that accessing external mediation may involve some cost which may be partially and/or totally borne by both the school and/or the student.

Contacts for External Mediation

- Institute of Arbitrators & Mediators Australia (www.iama.org.au)
Level 9, 52 Phillip St, Sydney NSW 2000 Ph: 02 9241 1188

The organisations listed below will only ensure the appropriate procedures were followed, and will not determine the decision to be made:

- NSW Dept of Fair Trading – www.fairtrading.nsw.gov.au

- DEST-Department of Science, Education & Training - esosmailbox@dest.gov.au or (02) 6240 5069
- ACPET NSW– Australian Council for Private Education and Training NSW-nsw@acpet.edu.au or (02) 8280 8101

4.2.3 If the internal or external complaints process results in a decision that supports the student, the School will immediately implement the decision and/or corrective action and advise the student of the outcome.

4.3 Formal Internal and External Appeals

- 4.3.1** Appeals may arise from a number of sources including, appeals against discipline actions, appeals against decisions arising from complaints and appeals against an intention to report a student. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by AIPAH. Appeals must directly address the reasons provided for the decision reached and provide new evidence and/or explanations to support this appeal.
- 4.3.2** When a student appeals a decision by AIPAH, students should complete their appeal in writing which must then be lodged directly with the Student Services officer and **must** meet the *Grounds for Appeal* (see 5. Definitions).
- 4.3.3** Supporting evidence addressing the Grounds for Appeal must be attached. If the student's appeal does not meet the Grounds for Appeal, the appeal will be rejected.
- 4.3.4** A meeting may be called with the student to discuss further details relating to their appeal if deemed necessary.
- 4.3.5** Consideration of the appeal will commence within 10 working days of the formal lodgement.
- 4.3.6** After consideration of the documentation received with an Appeal, the grounds will be assessed and the student will be notified, as soon as practicable but usually within 14 days of receipt of the appeal, in writing of the outcome including details of the reasons for the outcome.
- 4.3.7** If appeal remains unresolved, the student can access an external appeals process at minimal or no cost. The school can appoint an independent mediator to hear the appeal and propose a resolution. The student is also entitled to nominate a person of their choice to represent them. The independent mediator will be chosen from the list of External Mediators above.
- 4.3.8.** 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 (in favour of the provider) before the School will report to PRISMS via DIAC.
- 4.3.9.** If the appeal by the student is against the School's decision to:
- 4.3.10.** 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

- 4.3.11. 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

5. Definitions

- * **Complaint:** Express dissatisfaction with an existing process, person, facility or service
- * **Appeal:** A formal request for reconsideration of a decision made on the basis of "Grounds for Appeal"
- * **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
 - * **Grounds Evidence** – Documents to be provided with an appeal application.
 - * **Appellant:** The student who is appealing the decision
 - * **Complainant:** The student who is submitting a complaint
 - * **Formal complaint and appeals process:** the process by which a complaint or appeal is dealt with when discussing the matter does not resolve the issue

6. RECORDS

- 6.1 All documentation associated with the process, including the original complaint, response, appeal and final result will be kept on the student's file.