

Complaints and Appeals Policy and Procedure

Category	Complaints and Appeals
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Policy Base	<ul style="list-style-type: none">• ESOS Act 2000• National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code), Standard 10
Related Documents	<ol style="list-style-type: none">1. Student Complaints and Appeals Form2. Deferring, Suspending and Cancelling the Overseas Student's Enrolment Policy and Procedure

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Purpose

These policy and procedure are in place to ensure the complaints and appeals process of ME English (“MEE”) is undertaken in a professional, timely and inexpensive manner for students. Furthermore, this policy and procedure is in place to comply with the ESOS Act 2000 and Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code).

Scope

Current and/or prospective students of MEE who believe they have been unfairly treated will have access to the complaints and/or appeals process set out in this policy.

This document includes any current or prospective students. This document covers both academic and non-academic matters. MEE will ensure that:

- a. complaints raised will be heard and addressed, giving an overseas student the opportunity to resolve the matter.
- b. formal complaints raised by MEE’s overseas student will be documented and handled according to its appeal process.
- c. formal complaints will be processed within 10 working days after the submission of the complaint.

- d. students are provided with information to access the external appeals process, if they are not satisfied with the outcome of the internal complaints and appeals process.
- e. MEE will ensure its implementations changes identified through the internal or external appeals process, when the result is in favour of the student.
- f. students are able to a support person/s such as a family member, friend or counsellor at any time present during the complaints and appeals process.
- g. students are able to engage or request an interpreter at any time during the complaints and/or appeal process.
- h. decisions made will be recorded in writing and kept in the student's file in the student management system.
- i. students are provided with a full explanation in writing of the decisions and action taken as a result of the complaints and/or appeal.
- j. students can participate in studies as usual during the complaints and/or appeals process unless it has been deemed the student has placed other students and/or staff members at risk.

Definitions

- **Complaint** refers to an expression of dissatisfaction with academic or non-academic services. A complaint can be raised by a student who believes there are sufficient facts and reasons to support a claim against another party or parties or against a decision made.
- **Appeal** is a process for requesting a review of an official decision made.
- **Academic matters** refer to the issue that involves academic progress, assessment, completion in the course of studies.
- **Complainant** refers to the person who formally lodges a complaint or appeal
- **International Student** refers to a student of MEE who is not an Australian Citizen or Permanent Resident.
- **Academic Complaint and Appeal** refers to a complaint or an appeal against a decision made about an assessment outcome, failure to meet a satisfactory academic progress, and/attendance or the quality of the course delivery.
- **Non-Academic Complaint and Appeal** refers to a complaint or appeal in relation to a service provided by MEE, directly or indirectly via a third party that is non-academic in nature.
- **Non-academic matters** refer to other matters that are not covered in academic matters.
- **In writing** refers to any written communication taken place online or offline such as emails and letters.
- **Formal Complaint or Appeal** refers to an official complaint. To be considered a formal complaint or appeal, it must be submitted in writing on the Complaints and Appeals Form.
- **Overseas Students Ombudsman** is a role created under the Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011 to resolve complaints and help private Education Providers improve policies and practices to enhance the quality of International Education in Australia.

Policy

The intent of this policy is to ensure fairness applies to the management of *Complaints and Appeals* within MEE. The complaints and appeals handling process will ensure that:

- Students will have access to a process for resolving complaints formally.
- formal complaints will be recorded on the *Complaints and Appeals* Register.
- Complaints and/or appeals will be processed within the legislative timeframes and requirements as outlined in this procedure.
- All parties involved in the complaints and/or appeals process will be informed of the progress of the complaint and/ or appeal.
- Complainants will have the right to access the external complaints and/or appeals processes in circumstances where the complainant deems the internal complaints and/ or appeals was not dealt with satisfactorily.
- Complaints and/or appeals will be dealt with in accordance with the procedures outlined in this document.

The student's enrolment will be maintained throughout the complaints and/ or appeals process. MEE will not notify the Department of Education and Training of any change to the student's enrolment status through the Provider Registration and International Student Management System "PRISMS" until the internal process has been finalised.

This policy applies to all students who wish to make a complaint and /or appeal academic and/or administrative decisions, which may include:

1. Academic matters may include but are not limited to:
 - a course progress
 - b course attendance
2. Non-academic matters may include but are not limited to:
 - a Cancellation of enrolment
 - b Refusal to release students
 - c Marketing and promotion
 - d Course delivery
 - e Bullying and harassment

1. Providing Complaints and Appeals Information to Students

- a Complaints and appeals can be classified into two categories:
 1. Informal Complaints and Appeals
 2. Formal Complaints and Appeals
- b Throughout the complaints or appeals process, MEE will maintain the student's enrolment whilst the internal complaints and appeals process is ongoing and will keep all parties involved of the steps taken throughout the process.
- c MEE will not notify the Department of Education and Training of any change to the student's enrolment status through the Provider Registration and International Student Management System "PRISMS" until the internal process is finalised.

Complaint	Appeal
<p>Staff and students have the right to submit a complaint if they wish to express discontent against another person or a complaint against a MEE process or system.</p> <p>This policy and procedure are relevant to all grievances arising in the following areas:</p> <ul style="list-style-type: none"> • Student wishes to raise a complaint against another student or a MEE staff member • Student wishes to raise a complaint against MEE • Student wishes to raise a complaint about a Third Party • MEE staff wish to raise a complaint about a Third Party • Staff wish to raise a complaint about another staff member or a student 	<p>The student has the right to appeal a assessment result if they believe the result given was unfair or unjustified.</p> <p>This includes Appeals arising in the following areas:</p> <ul style="list-style-type: none"> a) Student disagrees with the result given by their teacher b) Student believes that they were discriminated against by the teacher c) Unsatisfactory course progress or attendance d) Assessment appeal e) Misbehaviour and/or cancellation of student's enrolment f) Or any other matter that requires the process for an appeal.

- d MEE will provide overseas students with the *Complaints and Appeals Policy and Procedure*. This information will be available in the Student Handbook and on the website.
- e The internal process will be provided to students without cost and be easily accessible.
- f MEE's *Complaints and Appeals Policy and Procedure* will be written in plain English.
- g MEE's internal complaints and appeals will detail:
 - i. how students can access the formal complaint and/or appeals process if a matter cannot be resolved informally.
 - ii. whom students can make a complaint/ or appeal to, such as the Student Services Advisor or Director of Studies.
 - iii. the decision and/or outcome will be available within 10 working days from the date of formal lodgement of a complaint/ and or appeal.
 - iv. that MEE will assess the complaint and/or appeal in a professional, fair and transparent manner ensuring the principles of natural justice are applied.
 - v. that the student is able to have a support person present when making a formal complaint and/or appeal.
 - vi. that MEE will email the outcome of the appeal and/or the complaint including the reason for the outcome.
 - vii. the written record of the complaint and/or appeal, as well as the statement of the outcome will be kept in the student's file in the student management system.
 - viii. the student has the right to access the external complaints and appeals process if they are not satisfied with the outcome.

2. Informal Complaints and Appeals

- a. Informal complaints are those not recorded on the *Complaints and Appeals Form*. The intent of informal complaints and appeals is to provide a platform for all parties to try to resolve any matters informally and is the process all parties can take as the first mechanism to seek resolution of a complaint or appeal

- regardless of whether the complaint or appeal relates to academic or non-academic matters.
- b. Students are encouraged to resolve any complaints directly with the person the matter involves or relates to. However, if the individual feels uncomfortable in doing so, the student may speak to his or her teacher or other MEE staff whom the student feels most comfortable with.
 - c. If the student feels the matter has not been resolved through the informal process, the student may access the formal complaints and/or appeals process.
 - d. The parties involved in an informal resolution of a complaint or appeal will attempt to resolve the matter via discussion, negotiation and agreements in the first instance. Informal complaints are not a compulsory step. If the complainant is not satisfied with the outcome, they can approach *Reception* to lodge a formal complaint.

3. Formal Complaint or Appeal

- a. Formal Complaints and Appeals take place when an informal complaint has not been satisfactorily resolved via verbal discussion and or negotiation. A formal complaint is a written complaint lodged by completing the *Complaints and Appeals Form*.
- b. If the student is not satisfied with the outcome of the complaint and/or appeal, the student has twenty (20) working days from the date of the written notification in which to lodge an internal appeal.
- c. MEE will observe strict confidentiality during all stages of the complaints resolution process and the students' progress through a study program will not be disrupted whilst a complaint is in process.
- d. MEE students must complete the Complaints and Appeals Form and submit the completed form at reception to lodge a formal complaint.
- e. MEE will respond to the complainant's formal complaint or appeal within 10 working days after the form has been successfully lodged.
- f. Complainant submits the Complaints and Appeals Form must submit the form with relevant and sufficient supporting evidence.
- g. The investigation of the complaint will take place with the relevant people. For academic matters the Director of Studies, the CEO and other staff members who are involved in the matter will meet to address the appeal.
- h. For non-academic matters, the Team Leader Student Services together with other staff members who are involved in the matter will meet to address the appeal.
- i. If the matter cannot be resolved, the higher managerial person such as the CEO (GM) will make the final decision.
- j. If a meeting with the student is required, the Team Leader Student Services will arrange a meeting with all relevant parties and the overseas student who submitted the Complaints and Appeals Form.
- k. The student is able to have a support person present during the meeting.
- l. The student may also request for a translator or interpreter.
- m. The outcome of the complaint or appeal will be provided to the student in writing.
- n. If the student is not satisfied with the outcome, the student may submit an appeal in writing by completing and lodging the Complaints and Appeals Form.
- o. The decision of the appeal will be finalised within 10 working days from the date the form has been successfully submitted.
- p. If the internal or external complaints and appeal process result in favour of the student, MEE will make changes to its policy and procedure immediately to prevent the same situation from occurring. MEE will inform the overseas student of the action by MEE to rectify the matter.
- q. International Students who are dissatisfied with the outcome of the internal complaints and appeals process may make a written request to MEE for an independent external review of the decision.

Students will have 10 working days from the date of the outcome to advise MEE of their intention to access the external appeals process.

4. External Independent Appeals

- a. If the complaint or appeal has not been resolved via the internal process to the satisfaction of the complainant, complainants will have the right to lodge an appeal to an External Independent Organisation.
- b. The Overseas Students Ombudsman offers a free and independent service for international students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider.
- c. The overseas students who wish to lodge an external appeal can do so by contacting the Overseas Students Ombudsman directly, details available on the Ombudsman website <http://www.oso.gov.au/contact-us/index.php> Or Email: ombudsman@ombudsman.gov.au Or by phone on 1300 362 072.

5. Reporting in PRISMS

- a. MEE will only report an overseas student for unsatisfactory course progress or attendance in PRISMS after:
 - i. the internal and external complaints and appeals process has been completed and the outcome finalised;
 - ii. the overseas student has not accessed the internal complaints and appeals process within 20 working days;
 - iii. the overseas student has chosen not to access the external appeals process; or
 - iv. the overseas student has informed MEE of his or her decision not to access the appeals process or has withdrawn their appeal in writing.
- b. MEE will report an overseas student for non-payment of course fees in PRISMS after notifying the student of the cancellation of enrolment as per the *Deferring, Suspending and Cancelling the Overseas Student's Enrolment Policy and Procedure*.
- c. If the external appeals process has been completed in favour of the overseas student, MEE will immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcome. This may involve making amendments to the policy and procedure. MEE will immediately inform and notify the student of the outcome in writing.
- d. When the report is made in PRISMS by MEE, MEE will notify the student that the CoE has been cancelled in a written form. Furthermore, MEE will provide the cancelled CoE along with the *Confirmation of Report Letter* as per the *Deferring, Suspending and Cancelling the Overseas Student's Enrolment Policy and Procedure*. The sample the *Confirmation of Report* letter is available in the *Monitoring Attendance Policy and Procedure*.

6. Further Complaints and Appeals

- a. MEE will not assist an overseas student who wishes to make a further complaint or appeal after the decision has been finalised through the internal and/or external appeals process.
- b. An overseas student who wishes to make a further complaint or appeal may do so at his or her expense.

Procedure

1. Step 1: Informal Complaint or Appeal

STEPS	PROCEDURE	RESPONSIBILITY
1	Speak to the teacher or another MEE staff member in the first instance.	Student/Complainant
2	Inform the relevant person of the issue and/or situation. For academic matters speak to the Director of Studies. For all other matters speak to the Team Leader Student Services.	Teacher/Staff member
3	Academic matters: Director of Studies resolves the matter or provides a response to the student on the matter.	Director of Studies
4	Other non-academic matters: Assist in resolving the matter or by providing a response to the student on the matter.	Student Service
6	Not satisfied with the result/outcome: Access Step 2 'formal complaints and appeals procedure' by completing and submitting the <i>Complaints and Appeals Form</i> within 20 working days of receiving the initial outcome.	Student/Complainant

2. Step 2: Formal Complaint or Appeal

STEPS	PROCEDURE	RESPONSIBILITY
1	Complete the <i>Complaints and Appeals Form</i> . Gather documents as evidence to support your complaint or appeal within 20 working days from the date the initial outcome was received. The <i>Complaints and Appeals Form</i> is available from Reception.	Student/Complainant
2	Submit the completed ' <i>form</i> ' together with supporting evidence, at Reception.	Student/Complainant
3	Conduct a meeting with the relevant staff to assess the complaint or appeal lodged by the complainant.	Student Service
4	If required, invite the complainant and other relevant staff members to attend a meeting. Inform the complainant they are able to have a support person present during the meeting. Ask the complainant if they need a translator/interpreter. Inform the complainant they will receive in writing the outcome of their complaint or appeal.	Student Service
5	If the complaint or appeal cannot be resolved satisfactorily, the CEO will make the final decision.	MEE Staff and/or CEO
6	Outcome is in favour of the student: MEE will make changes to its policy and procedure and inform the complainant in writing of the action taken by MEE to rectify the matter.	CEO/Delegate

7	Provide a response in writing to the complainant within 10 working days after the <i>Complaints and Appeals Form</i> has been received.	CEO/Delegate
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INTERNAL APPEAL		
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8	Outcome is in favour of MEE: Access the internal appeals process by completing and lodging the <i>Complaints and Appeals Form</i> within 20 working days from the date the initial outcome was received. Provide additional evidence to support the appeal.	Student/Complainant
9	Application assessed and written outcome of the appeal provided to the complainant within 10 working days of appeal receipt.	CEO/Delegate
10	Internal Appeal Outcome is in favour of the Student: MEE will make changes to its policy and procedure and inform the complainant in writing of the action taken by MEE to rectify the matter.	CEO/Delegate
11	Internal Appeal Outcome is in favour of MEE: Provide the complainant written advise on the outcome within 10 working days of the appeal receipt. Inform the complainant of their right to lodge an external appeal to an External Independent Organisation (body).	CEO/Delegate

EXTERNAL APPEAL BEGINS		
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12	Notifies MEE of the intention to access the external appeals process within 10 working days of receipt of the written outcome. Accesses the external appeals body as per the information provided by MEE.	Student/Complainant
13	Conducts a review and assessment of the internal process followed by MEE.	External Appeals Body
14	Provides evidence of the process and relevant policy and procedure to the external appeals body.	CEO/Delegate
15	Evidence is assessed, MEE and complainant are notified of the appeal outcome.	External Appeals Body
16	External Appeal Outcome is in favour of MEE: No further action required.	MEE
17	External Appeal Outcome is in favour of the Student: MEE will make changes to its policy and procedure and inform the complainant in writing of the action taken by MEE to rectify the matter.	CEO/Delegate

(Appendix A) Student Complaints and Appeals Form

- Before you lodge a formal complaint*, please make sure that you have followed either Step 1 or 2, of the Complaints and Appeals procedure.
- Ensure you provide evidence to support your complaint/appeal.
- Complainants will be notified of the outcome within ten (10) working days of MEE receiving the completed form.

STUDENT DETAILS			
Given Name(s)		Family Name	
Student Number		Contact Number	
Postal Address			
Email		Course Enrolled	
This is a complaint <input type="checkbox"/>	Reason for this complaint – please tick <input type="checkbox"/> Teacher (please provide name): _____ <input type="checkbox"/> Staff Member (please provide name): _____ <input type="checkbox"/> Services (please specify): _____ <input type="checkbox"/> Other: _____ Have you complained about this issue before? <input type="checkbox"/> Yes, date: _____ <input type="checkbox"/> No		
This is an appeal <input type="checkbox"/>	Appeal details-please tick <input type="checkbox"/> Academic Misconduct <input type="checkbox"/> Notice of Intention to Report <input type="checkbox"/> Assessment Outcome <input type="checkbox"/> Notice of Intention to Cancel <input type="checkbox"/> Attendance Records <input type="checkbox"/> Course Withdrawal <input type="checkbox"/> Course Fees <input type="checkbox"/> Other _____ Appeal's must be lodged within 20 working days of initial result received.		

DESCRIBE YOUR COMPLAINT / APPEAL*
Please outline the reasons for your Complaint / Appeal and attach any supporting evidence or documentation.
OUTCOME OF THE COMPLAINT / APPEAL



DECLARATION

I _____ (complainant or parent/legal guardian for students under 18) certify, that I have read and understand the Complaints and Appeals process. I confirm the information provided in this form is true and correct and to the best of my knowledge.

Signature:	Date:
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PRIVACY NOTICE

The information provided on this form will be used solely to resolve your complaint / appeal. The information provided on this form will not be discussed with any person(s) outside external to MEE without your permission, unless we are required to do so by law.

OFFICE USE ONLY

Receiving staff member:	Date:
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Complaints/Appeals Outcome:	<input type="checkbox"/> Successful	<input type="checkbox"/> Unsuccessful
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I confirm all required action has been completed and the complainant (student and/or parent/legal guardian) has been informed of the outcome: Yes No

Staff Members Name:	Date:
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Signature:	Scanned & Filed:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Document Control

The policies and procedures, and the forms included in this document are approved and implemented by MEE. This document will be electronically available to MEE staff in protected format (PDF file) in the designated folder. Any ongoing changes made to this document will be documented as per below.

Version	Authorised By	Description of the change	Approved Date	Effective Date
<i>Version 1</i>	<i>CEO</i>	<i>Created the Complaints and Appeals Form</i>	<i>09 July 2019</i>	<i>09 July 2019</i>