

TEPO8 Complaints and appeals policy and procedure

Purpose

Turner English seeks to continuously provide a high quality education environment that is safe, fair and free from discrimination, in which all are encouraged to strive for excellence and fulfil their potential. It is committed to implementing effective complaint resolution procedures that, where possible, are managed quickly, at the local level and with a minimum number of people involved. The resolution process will focus on a rapid re-establishment of good educational working relationships and positive outcomes.

An essential part of developing that environment is ensuring staff and students are encouraged to come forward with their complaints in the knowledge that the responsible staff member will take prompt and effective action to address complaints.

Complaints and appeals that are not addressed have the potential to grow into major problems that can cause tension, low morale and reduced learning and academic achievement.

The procedures aim to avoid blame and undue investigation. This policy applies to all students undertaking courses offered by the Institute. Students have the right to be accompanied and assisted by a support person at every relevant meeting they attend. There is no cost for an internal appeal. There may be costs for external appeals.

In handling a complaint, whether formal or informal, confidentiality will be maintained to:

- Protect all parties involved in a complaint under the principles of natural justice
- Prevent the possibility of a defamation or other legal action
- Involve the minimum number of people possible

The objectives of this policy are to:

- Develop a procedure for lodging an appeal against a decision made by the Institute's Management in a dispute.
- Assist students with access to an appeal procedure and ensuring that the appeal system is accessible and not unduly complex.
- Allow students access to an independent assessment review by an outside body with appropriate qualifications should the need arise.

All students and staff are to be informed of the complaint resolution process. Prospective students are provided with a copy of this policy prior to enrolment and acceptance of the Student Agreement. The policy is further communicated during Orientation, in the Student Handbook, on the website and on notice-boards.



Staff are made aware of the requirements of this policy during staff induction, the Staff Handbook and through ESOS training.

Despite all efforts of the Institute to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. The following procedures provide students the opportunity to have complaints resolved and resolutions reached.

The Complaints and Appeals process does not remove the student's right to take action under Australia's Consumer Protection Laws.

Legislative Base

The following legislation is applicable to this policy and procedure: Education Services for Overseas Students Act 2000 (ESOS Act 2000) and ESOS Regulations 2001 National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007: Standard 8

Scope

This policy and procedure applies to any aspect of a student's experience at Turner English. The following procedure applies to all complaints and appeals of enrolled students. The complaint may be against another student/s and/or staff member/s.

Definitions

Appeal: Request by a student to have a matter heard and/or re-considered after receiving an unfavourable decision. Internal Appeals are conducted by the Institute at no cost to the student. If a student is dissatisfied with a decision made by Turner English, he/she has 20 working days from the date stated in the written notification, in which to lodge an appeal to have the case reviewed. External Appeals will be conducted through the Overseas Student's Ombudsman if dissatisfied with the outcome (either Internal or External Appeal), the student may exercise his or her rights under Australia's Consumer Protection Laws.

Complaint: Any expression of dissatisfaction with a product or service offered or provided.

Course: means a full-time course registered on the Commonwealth Register of Institutions and Courses for Overseas Students and offered by Turner English.

Natural Justice: means the right to be given a fair hearing and the opportunity to present one's case, the right to have a decision made by an unbiased or disinterested decision maker, and the right to have that decision based on logically probative evidence. Natural Justice in the context of this Policy requires: the student has an opportunity to be heard; that there is no bias on the part of a decision maker; the process is to be managed fairly and equitably; and the timely handling of complaints so that issues are brought to a point of clear resolution without undue delay.

Respondent: an individual or individuals alleged by the student to be responsible for the circumstances comprising the complaint.

Student: a student enrolled at Turner English.



Support Person: means a person chosen by either party who assists or supports that party and includes a family member, friend, counsellor or other professional support person but not a legal practitioner.

Working Day: Monday to Friday excluding public holidays.

Procedure

1. Description of Complaints

This procedure covers, but is not limited to, complaints which may arise as a result of:

1.1 Academic Complaints and Appeals including:

- 1.1.1 assessment and examinations;
- 1.1.2 student discipline decisions;
- 1.1.3 class timetabling decisions;
- 1.1.4 course progress decisions;
- 1.1.5 issues relating to authorship and intellectual property;
- 1.1.6 qualification and awards in a course of study

1.2 Administrative Complaints and Appeals which relate to decisions and actions associated with administrative or academic services, including:

- 1.2.1 payment of fees
- 1.2.2 student charges
- 1.2.3 selection, enrolment, suspension and cancellation of enrolment
- 1.2.4 transfer to other providers
- 1.2.5 graduation
- 1.2.6 time limits for completing courses
- 1.2.7 interaction with Turner English staff
- 1.2.8 personal information

2. Stages of Complaints and Appeals Resolution

2.1 STAGE 1: Informal Complaint Resolution

- 2.1.1 Where a student has a complaint in respect of any matter outlined in 1.1 and 1.2 above he or she should first discuss the matter with the person concerned to resolve it. The student is strongly encouraged in the first instance to resolve the matter directly with the staff member/or person involved in the circumstances surrounding the complaint being made.
- 2.1.2 Where a student is unable to make contact with or is reluctant to or uncomfortable about making a complaint to the relevant staff member/or person, the student may make the complaint to the Student Support Officer.
- 2.1.3 Where it appears that the complaint should be directly dealt with under one of the policies relating to the matter, the staff member, will refer the student to the relevant policy.
- 2.1.4 Students have up to ten (10) working days to initiate the informal complaint process from whichever is the later of:
 - i) the date of the occurrence which gives rise to the complaint; or

- ii) the date the student becomes aware of the circumstances giving rise to the complaint.

2.1 STAGE 1: Informal Complaint Resolution (cont)

- 2.1.5 Where the student is dissatisfied with the resolution achieved through the informal complaint resolution process, he or she may:
- a) seek further advice and information from the Student Support Officer; and/or
 - b) make a formal complaint or
 - c) take no further action.

2.2 STAGE 2: Formal Complaint Resolution (Internal)

- 2.2.1 If a student is not satisfied with the outcome of the informal complaint resolution process, he or she may submit a formal complaint in writing to the Lead Teacher. This request must be submitted within five (5) working days of the date of notification of the outcome of the informal complaint resolution process. The formal complaint shall:
- a) be made on the Student Complaints and Appeals Form;
 - b) be signed by the student;
 - c) state the reason/s for the complaint;
 - d) detail the outcome of the informal resolution process;
 - e) include any specific issues which the student wishes to present to the Student Support Officer; and
 - f) where relevant, attach copies of documentary evidence.
- 2.2.2 The Executive Administrator will consider the formal complaint within ten (10) working days of the formal lodgement by:
- a) reviewing the Student Complaints and Appeals Form and any accompanying submission and the outcomes of the informal resolution process;
 - b) verifying that all appropriate procedures have been correctly carried out;
 - c) seeking additional information from appropriate staff concerning the subject of the formal complaint;
 - d) conducting an investigation or appointing a trained person to do so on their behalf;
 - e) seeking advice from other persons as deemed appropriate
 - f) giving the student and the respondent an opportunity to respond to all information gathered;
 - g) discussing the matter directly with the student by providing a formal hearing to present their case; and
 - h) undertaking such other action as appropriate
- 2.2.3 After consideration of all of the available evidence, the Executive Administrator may decide to:

- a) dismiss the formal complaint; or
- b) uphold the formal complaint; and/or
- c) take such other action as may be appropriate.

2.2.4 The Executive Administrator will notify the student in writing of the appeal outcome.

2.2.5 The student must maintain his/her enrolment throughout the complaints and appeals process.

2.2.6 The internal complaints and appeals services incur no cost.

3.1 STAGE 3: External Appeals

3.1.1 If, after Stage 2 of the process, the student does not believe that the formal complaint has been adequately resolved, he or she may appeal for an external review

3.1.2 International students are advised to contact the Overseas Student Ombudsman to instigate an external appeal. This service is free of charge. The details for the Overseas Student Ombudsman are: www.oso.gov.au. The telephone contact between 9:00am to 5:00pm Monday to Friday, Australian Eastern Standard time is 1300 362 072. The telephone number if calling from outside Australia is +61 2 6276 0111.

3.1.3 Details of how to lodge the appeal are stated on the Overseas Student Ombudsman's website.

3.1.4 Students are able to access an interpreter to help make a complaint in their native language. There is usually a cost for this service. One such agency is the Translating and Interpreting Service (TIS) on 131 450.

3.1.5 Upon notification of the decision of the external review, the Executive Administrator will:

- i) immediately implement any decision and/or corrective action required where the decision supports the student;
- ii) record any decision of the external appeal on the student's file; and
- iii) notify the student in writing of external appeals decision to the student's current address, within five (5) working days from the receipt of this decision.

The decision notified by Overseas Students Ombudsman is final and any further action the student wishes to take is outside the Institute's policies and procedures.

The student has the right to contact the relevant government agencies such as DEEWR on esosmailbox@deewr.gov.au

Records

At all stages of the process, reasons and a full written record of decisions, reasons and actions taken as part of this policy and procedure will be given if requested by a party to the complaint or appeal.



Responsibilities

The Executive Administrator is responsible for the implementation of this policy and procedure.

The Executive Administrator is responsible for the training of all staff in the application of this policy and procedure to ensure all records are maintained in relation to appeals.

Student Support Officers are responsible for ensuring students who are dissatisfied are aware of their rights and to reinforce the *Complaints and Appeal Policy and Procedure*.

Review

This policy is the subject of annual review as part of internal audits and in the event there are any ESOS or National Code 2007 legislative reviews or amendments.