



Government of **Western Australia**
Department of **Training**
and **Workforce Development**



INTERNATIONAL STUDENT COMPLAINTS AND APPEALS POLICY – SCHOOLS

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1. POLICY STATEMENT

This policy outlines the internal and external complaints and appeals processes available to onshore international students as set out in the *Education Services for Overseas Students Act 2000*, specifically Standard 10 of the *National Code 2018*.

2. SCOPE

This policy details the internal and external complaints and appeals mechanisms available to onshore international students enrolled at one of Western Australia's public schools.

3. BACKGROUND

Standard 10 of the National Code 2018 requires that, "*registered providers must ensure their overseas students have the right to natural justice protected through access to professional, timely, inexpensive and documented complaints handling and appeals processes*".

In compliance with these requirements, TAFE International Western Australia (TIWA) is committed to ensuring that:

- complaints and appeals are handled with professionalism and confidentiality is maintained;
- students are aware of, and have ready access to the International Student Complaints and Appeals policy;
- all parties to the complaint or appeal have a clear understanding of the process involved in resolving the complaint;
- all parties associated with a complaint/appeal are advised of their rights and responsibilities in relation to the way the matter is addressed, actions that can be undertaken and final decisions made; and
- the decision making process and outcome related to the complaint/appeal or investigation is provided in writing to all parties involved.

4. OVERARCHING PRINCIPLES

4.1 TIWA and the WA public schools will:

- respond to any complaint or appeal the overseas student makes regarding his or her dealings with TIWA or the school, TIWA's education agents or any related party TIWA has an arrangement with to deliver the overseas student's studies or related service.
- commence assessment of the complaint or appeal within 10 working days of it being made;
- conduct the assessment of the complaint or appeal in a professional, fair and transparent manner; and
- ensure the overseas student is given an opportunity to formally present his or her case at minimal cost and be accompanied and assisted by a support person at any relevant meetings.

4.2 TIWA will 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. The student will be made aware that they can have a support person with them at any time throughout the process.

Informal resolution is the preferred outcome in all complaints and appeals and in the first instance a student wishing to pursue a complaint or appeal should be supported to resolve the matter informally.

5. PROCEDURES

5.1 Complaints – Schools

- 5.1.1 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 teacher at their school.
- 5.1.2 If the issue cannot be resolved informally, then the student should submit a formal complaint to the school (students should be referred to the relevant schools complaints management process).
- 5.1.3 Schools will be required to maintain a register of all complaints made by international students. If a complaint is made information should be forwarded to the Manager Customer Services (TIWA) at the end of each term.
- 5.1.4 If the student is not satisfied with the outcome of the schools complaints process, then they may then lodge a request for review to TIWA.
- 5.1.5 TAFE International will convene a review panel. Where necessary, the student may be required to provide additional information and where requested 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.
- 5.1.7 The outcome of the review will be provided to the student in writing within 10 working days of receipt by TIWA. Should the student not be satisfied with the review outcome they have an opportunity to make an external appeal to the Western Australian Ombudsman.
- 5.1.8 The school will keep a written record of the complaint or appeal, including statement of the outcome and reasons for the outcome.

5.2 Complaints – TIWA

- 5.2.1 An international student, who has an issue related to decisions/actions undertaken by TIWA, should in the first instance try to resolve the problem by speaking with a staff member in the Customer Service team.
- 5.2.2 If the issue cannot be resolved informally, then the student may wish to complete TIWA's International Student Customer Service Feedback Form.
- 5.2.3 TIWA will review the complaint and provide an outcome to the student in writing within 10 working days.
- 5.2.4 Should the student not be satisfied with the review outcome they have an opportunity to make an external appeal to the Western Australian Ombudsman.

5.3 Appeals Management

- 5.3.1 An international student may have their enrolment cancelled if they breach the TIWA Code of Conduct - Schools. Cancellation of the students enrolment must not occur before the student is issued an Intention to Report notification and the student has been provided an opportunity to appeal this decision. The student's enrolment must be maintained throughout this process however should there be a potential risk to staff and/or other students the student may be removed from classes immediately and their enrolment maintained off campus.
- 5.3.2 International students who have received written notification of TIWA's Intention to Report them to the Department of Home Affairs which includes information on how to access the appeals process; will have 20 working days in which to lodge their appeal from the date of the Intention to Report being issued.
- 5.3.3 International students may lodge an appeal on the following grounds:
- inaccurate calculation and recording of the student's results, records, events or account balance;
 - compassionate or compelling circumstances; or
 - the Intervention Strategy and other policies that have been made available to the student have not been implemented.
- 5.3.4 Students must submit their appeal in writing to the Manager Customer Services (TIWA).
- 5.3.5 When an appeal is received, TIWA will form an appeal board to review the students appeal. The appeal panel will include a representative from the school; and, an independent panel member as required.
- 5.3.6 If the appeal is upheld due to inaccurate calculation or record keeping, then the student will not be reported to Department of Home Affairs and their enrolment will remain current.
- 5.3.7 If the appeal is upheld for compassionate or compelling circumstances, then the student's enrolment remains current but the student may be placed on an Intervention Strategy for additional support and monitoring over the next study period.
- 5.3.8 If the appeal is unsuccessful, TIWA 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.
- 5.3.9 Should an external appeal be lodged, the cancellation of enrolment and report to the Department of Home Affairs will be lodged at the completion of the appeal process in instances where the appeal is unsuccessful.
- 5.3.10 If the external appeal is successful then the student will not be reported to the Department of Home Affairs and their enrolment will remain current. TIWA will implement corrective actions required by the decision immediately.

5.3.11 TIWA will keep a written record of the appeal, including statement of the outcome and reasons for the outcome.

5 RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

- *International Student Course Progress Policy – Schools*
- *International Student Deferral, Suspension and Cancellation Policy – Schools*

6 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)*

8. CONTACT INFORMATION

TAFE International Western Australia