



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



INTERNATIONAL STUDENT COMPLAINTS AND APPEALS POLICY

EFFECTIVE: 31 OCTOBER 2018

VERSION: 4.0

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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* and Standard 6 of the *Standards for Registered Training Organisations (RTOs) 2015*.

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 TAFE colleges.

3. BACKGROUND

Standard 10 of the National Code 2018 requires that, "*the registered provider must have and implement a documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about the process and policy*".

Standard 6 of the *Standards for RTOs 2015* requires that, "*Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively*".

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 When handling student complaints and appeals, TIWA is guided by the following principles:

1. **Access:** students may lodge a Complaint or Appeal with their TAFE College or TIWA, with active assistance about the process provided by the TAFE college and/or TIWA staff.

TIWA will respond to any complaint or appeal the overseas student makes regarding his or her dealings with TIWA or the TAFE colleges, TIWA's education agents or any related party TIWA has an arrangement with to deliver the overseas student's course or related service.

2. **Transparency:** TIWA provides clear information about the Complaint and Appeals process to students; and conducts the assessment of the complaint or appeal in a professional, fair and transparent manner.
3. **Fairness:** the Complaints and Appeals process will be fair and impartial; and assessed on merit.

TIWA will commence assessment of the complaint or appeal within 10 working days of it being made; will ensure that 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. **Confidentiality and Privacy:** details of a Complaint or Appeal, will be known only to those involved in the resolution of the Complaint, or the hearing of an Appeal. Information is handled according to privacy laws and other relevant legislation, and reported without identifying parties to the complaint and/or appeal.

TIWA will securely maintain records of all complaints and appeals and their outcomes in compliance with privacy legislation and TIWA's *Records Management Policy*.

5. **Continuous improvement:** analysis of student Complaints and Appeals will contribute to the continuous improvement of TIWA's policies and practices.

TIWA will identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

- 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 encouraged to resolve the matter informally.

5. PROCEDURES

5.1 Complaints – TAFE colleges

- 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 staff member in the International Centre at their TAFE college.
- 5.1.2 If the issue cannot be resolved informally, then the student should submit a formal complaint to the TAFE College (students should be referred to the relevant TAFE college complaints management process).
- 5.1.3 TAFE colleges will be required to maintain a register of all complaints made by international students which should be forwarded to the Manager Student Services and Compliance (TIWA) at the end of each term.

If no complaints have been received a nil return must be lodged. The register must contain the following details in relation to the complaint:

- date received;
- the complainant's TIWA File Reference Number;
- the complainant's name;
- description/topic of complaint; and
- action taken.

5.1.4 If the student is not satisfied with the outcome of the TAFE college complaints process, then they may then lodge a request for review by completing the TIWA Complaints Management Review Form (see Appendix 2). Once completed, the student must lodge the form with the International Centre at their TAFE college.

5.1.5 The International Student Advisor will forward to TIWA for review. The International Student Advisor must include the following when the form is submitted:

- all supporting documentation and correspondence with the student in relation to the initial complaint; and
- the outcome of the complaints process that has been communicated to the student.

The International Student Advisor must forward the form and supporting documentation to TIWA within two business days of lodgement by the student.

5.1.6 A review panel will be convened by the General Manager TIWA and will be comprised of the General Manager (TIWA); Manager Student Services and Compliance (TIWA); a representative from the TAFE college; and, as required, an external panel member from another TAFE college. Where necessary the student will be requested to provide additional information and, in some circumstances may meet with the panel (or sub-group) as appropriate. Should the student be invited to address the review panel they will be informed that they can 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 will be advised that they have an opportunity to make an external appeal to the Ombudsman Western Australia. Further, TIWA will make clear to the student that in most cases, the purpose of the external appeals process is to consider whether TIWA has followed its policies and procedures, rather than to overturn TIWA's decision.

5.1.8 The TAFE college will keep a written record of the complaint or appeal, including statement of the outcome and reasons for the outcome. These records will be stored in accordance with privacy legislation and TIWA's *Record Management Policy*.

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 Student Services staff member in the Customer Service Centre.

- 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 The General Manager (TIWA) will review the complaint and provide an outcome to the student in writing within 10 working days.
- 5.2.4 TIWA is required to maintain a register of complaints made by international students which will be forwarded to DTWD Corporate Executive on a quarterly basis.

If no complaints have been received a nil return will be lodged. The register must contain the following details in relation to the complaint:

- date received;
- the complainant's TIWA File Reference Number;
- the complainant's name;
- description/topic of complaint; and
- action taken.

- 5.2.5 TIWA will keep a written record of the complaint or appeal, including statement of the outcome and reasons for the outcome. These records will be stored in accordance with privacy legislation and TIWA's *Record Management Policy*.

5.3 Appeals Management

- 5.3.1 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.
- 5.3.2 Students must submit their appeal in writing to the Manager Student Services and Compliance(TIWA).
- 5.3.3 When an appeal is received, the General Manager (TIWA) will form an appeal board to review the students appeal. The appeal panel will comprise the General Manager (TIWA); Manager Student Services and Compliance (TIWA); a representative from the TAFE college; and, an external panel member from another TAFE college as required.

5.4 Successful Appeals

- 5.4.1 If the appeal is upheld due to inaccurate calculation or record keeping, then the student will not be reported to Home Affairs and their enrolment will remain current.
- 5.4.2 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.
- 5.4.3 If an external appeals process has been completed TIWA will immediately implement the decision or recommendations (where applicable); and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process, and notify the student of the outcome.

5.5 Unsuccessful Appeals

- 5.5.1 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.
- 5.5.2 If the internal appeals process finds in TIWA's favour and the student goes on to access an external appeals process, TIWA will not prolong the overseas student's enrolment, in accordance with Standard 10 of the *National Code 2018*; by creating ongoing Confirmation of Enrolments (CoEs) if the student's enrolment was due to lapse naturally.

Subsequently, TIWA will not report the overseas student through Provider Registration and International Student Management System (PRISMS) for unsatisfactory course progress or attendance until the overseas student has accessed the internal and external complaints handling and appeals process, and the decision or recommendation supports TIWA's decision.

- 5.5.3 TIWA will keep a written record of the appeal including a statement of the outcome and reasons for the outcome. These records will be stored in accordance with privacy legislation and TIWA's *Record Management Policy*.

5.6 Timelines

Where possible, all complaints and appeals processes will commence within 10 working days and will be finalised within 60 calendar days.

If this is not possible, students will be informed in writing as to the reason.

5.7 Outcomes and Decisions

The outcome of student complaints and appeals are monitored to ensure the completion of any resulting actions.

Analysis of student complaints and appeals shall contribute to the continuous improvement of TIWA's policies and practices.

5 RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

- *International Student Course Progress Policy*
- *International Student Code of Conduct Policy*
- *International Student Deferral, Suspension and Cancellation Policy*

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)*
- *National Vocational Education and Training Regulator Act 2011*
- *Standards for Registered Training Organisations (RTOs) 2015*

7 **REVIEW DATE:**

Development Date	July 2011 – previously <i>RTO Policy 3: Complaints and Appeals by ETI</i>		
Revision History			
Review Date	Reviewer Name	Review Reason	Outcome & Changes
July 2012 V1.2	Director Academic Strategy	Continuous Improvement	Reviewed in accordance with legislative requirements
March 2013 V2.0	Director Academic Strategy	Continuous Improvement	Reviewed and rewritten – renamed <i>International Student Complaints and Appeals Policy</i>
June 2014 V2.1	Director Academic Strategy	Continuous Improvement	Reviewed in accordance with legislative requirements
Nov 2014 V2.2	Director Academic Strategy	Continuous Improvement	Reviewed in accordance with legislative requirements
Feb 2015 V2.3	Director Academic Strategy	Continuous Improvement	Formatting adjusted to reflect DTWD policy template
April 2015 V3.0	Director Academic Strategy	Legislative changes	Updated to meet requirements of the <i>Standards for Registered Training Organisations 2015</i>
July 2016 V3.1	Director Academic Strategy	Sectoral changes	Adjusted to reflect the following changes: <ul style="list-style-type: none"> • Changes to complaints and appeals processes; • rebranding of STPs to TAFE colleges; • rebranding of Education and Training International to TAFE International Western Australia; and • Appendices added (process flowcharts)
Oct/Nov 2017 V3.2	Director Academic Strategy	Continuous Improvement	Adjusted to reflect feedback from TIWA Network.
Feb 2018 V3.3	Manager Education Programs	National Code Compliance	Updated to address changes to the ESOS Code 2018
October 2018 V4.0	Director Academic Strategy	Re- Registration Audit	Updated to meet compliance requirements identified in TIWA's ASQA Re-Registration Audit

9. CONTACT INFORMATION

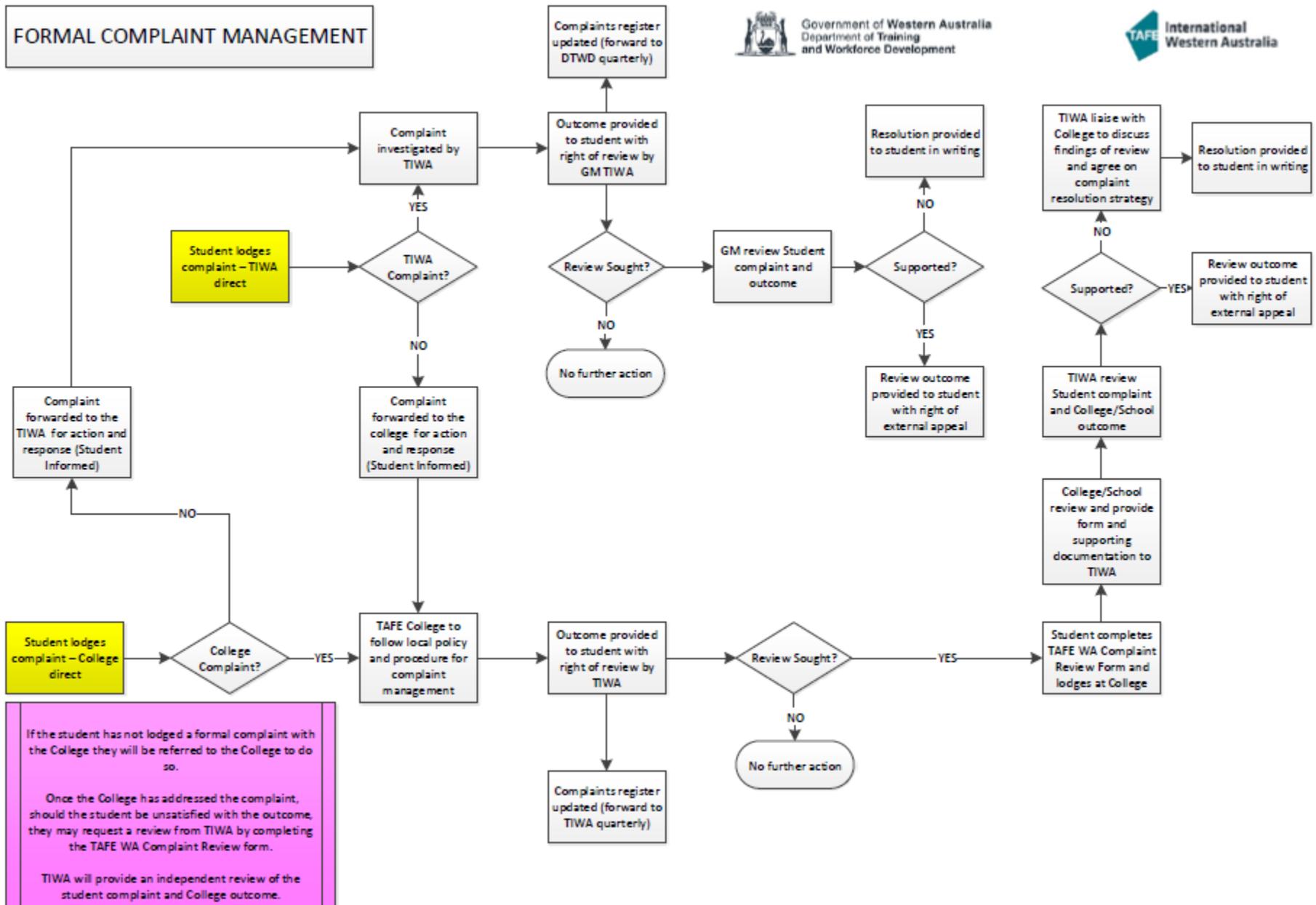
TAFE International Western Australia
Service Delivery Directorate

10. APPENDICES

Appendix 1: Formal Complaint Management – Flowchart

Appendix 2: International Student Complaint Review Form

FORMAL COMPLAINT MANAGEMENT





INTERNATIONAL STUDENT > COMPLAINT REVIEW FORM

This form is **ONLY** to be completed when you have undertaken a formal complaint process with your TAFE College.

STUDENT DETAILS

Please print your name as it appears in your passport. All fields requiring date/s to be filled in DD/MM/YY format unless specified.

Family name: Given name(s):

Preferred contact phone number: Email:

REVIEW DETAILS

Please explain why you are not satisfied with the outcome provided by the TAFE College and the resolution you are seeking in relation to this complaint:

DECLARATION

Student signature: _____ Date:

OFFICE USE ONLY (TO BE COMPLETED BY THE INTERNATIONAL OFFICE)

Formal complaint verified by the TAFE International Officer.

Name of officer: Date:

All documents including any correspondence (emails/letters/meeting notes) in relation to this complaint are attached.

Send the completed form and attachments to admissions.twa@dtwdwa.gov.au