



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



INTERNATIONAL STUDENT COMPLAINTS AND APPEALS MANAGEMENT POLICY

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1. POLICY STATEMENT

This policy outlines the internal and external complaints and appeals processes available to onshore international students and students residing or living interstate (multijurisdictional students). These processes are conducted in compliance with:

- *Standards for Registered Training Organisations (RTOs) 2015* (Standards for RTOs), specifically: Clauses 6.1 – 6.5 Fair handling of complaints appeals:
 - The registered training organisation (RTO) has a complaints policy to manage and respond to allegations involving the conduct of:
 - the RTO, its trainers, assessors or other staff;
 - a third party providing services on the RTO's behalf, its trainers, assessors or other staff; or
 - a learner of the RTO
 - The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.
 - The RTO's complaints policy and appeals policy:
 - ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaints and appeals process;
 - are publicly available;
 - set out the procedure for making a complaint or requesting an appeal;
 - ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
 - provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal.
 - Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:
 - informs the complainant or appellant in writing, including reasons why more than 60 days are required; and
 - regularly updates the complainant or appellant on the progress of the matter.
 - The RTO:
 - securely maintains records of all complaints and appeals and their outcome; and
 - identifies potential causes of complaints and appeals and takes appropriate action to eliminate or mitigate the likelihood or reoccurrence.
- *Standard 10 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018)*:
 - 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 that process and policy.

2. SCOPE

This policy details the complaints and appeals mechanisms available to onshore international and multijurisdictional students enrolled at TAFE International Western Australia and is intended to ensure all complaints are handled fairly, consistently and wherever possible resolved to the complainants satisfaction.

3. PRINCIPLES

3.1 Access

The Department of Training and Workforce Development's (DTWD), TAFE International Western Australia (TIWA), will respond to any complaint or appeal from international or multijurisdictional students in relation to TIWA, TIWA's education agents, or any related party TIWA has an arrangement with.(Appendix 1)

3.2 Transparency

TIWA provides international students with comprehensive, free and easily accessible information about the complaints and appeals process and policy via the:

- TIWA website;
- Student Offer Letter Package;
- International Course Guide; and
- Orientation sessions.

3.3 Fairness

TIWA's process follows the principles of natural justice and procedural fairness by allowing anyone subject to a decision by TIWA, or anyone who has allegations made against them, to tell their side of the story before a decision is made.

The complainant will be given the opportunity to formally present their case and be accompanied and assisted by a support person of their choosing at any relevant meetings.

Where possible, all complaints and appeals processes will commence within 10 working days and will be finalised within 60 calendar days of the complaint being lodged.

Where more than 60 calendar days are required to process and finalise the complaint or appeal, TIWA will:

- inform the complainant or appellant in writing, why more than 60 days are required; and
- regularly update the complainant or appellant on the progress of the matter.

3.4 Confidentiality and Privacy

Details of a complaint or appeal will be limited 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.

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

3.5 Continuous improvement:

TIWA will:

- monitor the outcome of any student complaints and appeals to ensure the completion of any resulting actions;
- identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence; and
- 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.

4. BACKGROUND

In compliance with legislative requirements, TIWA will respond to any complaint or appeal international students make regarding their dealings with TIWA or the colleges, TIWA's education agents, Navitas English or any related party TIWA has an arrangement with.

5. DEFINITIONS & ACRONYMS

Ombudsman	The Ombudsman is an independent officer of Parliament with responsibility to investigate the actions of public authorities.
Multijurisdictional student	A person residing/living in Australia but not living in Western Australia who is enrolled with TIWA for VET Training and Assessment.
Support person	Someone a person can nominate to attend a meeting with them to provide support and reassurance. They are not an advocate. They cannot provide advice, attempt to answer questions on the student's behalf or otherwise interrupt the meeting.

6. PROCEDURES

6.1 Complaints – TAFE Colleges and ELICOS

6.1.1 Informal resolution of complaints by complainants is encouraged before commencing formal action. In this instance an international student who has an issue related to their course of study should, try to resolve the problem by speaking with a staff member in International Student Support Services at their College.

6.1.2 If the issue cannot be resolved informally, a formal complaint may be lodged. Formal complaints must be made in writing and can be lodged with TIWA or the College. The College will undertake review and management of the complaint.

- 6.1.3 The College will commence a review of the complaint within 10 working days and finalise the outcome as soon as practicable.
- 6.1.4 The College will provide a written statement of the outcome to the student, including detailed reasons for the outcome and appeal rights in instances where they are not satisfied with the outcome.
- 6.1.5 The College will keep a written record of the complaint including statement of the outcome and reasons for the outcome. Records will be stored in accordance with privacy legislation and TIWA's *Record Management Policy*.
- 6.1.6 Colleges will be required to maintain a register of all complaints made by international students and forward this to the Manager Customer Services, TIWA at the end of each quarter.

If no complaints have been received, a 'nil return' should 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.

6.2 Complaints – TIWA

- 6.2.1 Informal resolution of complaints by complainants is encouraged before commencing formal action. An international student who has an issue related to decisions/actions undertaken by TIWA, should try to resolve the problem by speaking with a member of the TIWA Customer Services team.
- 6.2.2 If the issue cannot be resolved informally, a formal complaint should be lodged. Formal complaints must be made in writing by completing TIWA's *International Student Customer Service Feedback Form* and can be lodged with TIWA or the College. TIWA will undertake review and management of the complaint.
- 6.2.3 The Manager Customer Services TIWA will commence a review of the complaint within 10 working days and finalise the outcome as soon as practicable.
- 6.2.4 TIWA will provide a written statement of the outcome to the student, including detailed reasons for the outcome and appeal rights in instances where they are not satisfied with the outcome
- 6.2.5 TIWA will keep a written record of the complaint. These records will be stored in accordance with privacy legislation and TIWA's *Records Management Policy*.
- 6.2.6 TIWA maintains a register of complaints made by international students which is forwarded to DTWD Corporate Executive on a quarterly basis.

7. APPEALS MANAGEMENT - INTERNAL

- 7.1 If the student is not satisfied with the outcome of a formal complaint process they may lodge an appeal by completing the *TIWA Complaints Management Review Form* which can be lodged with TIWA or the TAFE College.
- 7.2 Upon receipt of a review form, the General Manager TIWA, will request senior management representatives from TIWA and the College to form an Appeal Review Panel. The panel will consist of a minimum of three members who are independent of the issue and will address the appeal on its merits, in a professional, fair and transparent manner.
- 7.3 Where necessary, the student may be required to provide additional information or given an opportunity to meet with the Appeal Review Panel. If the student is invited to address the panel, they will be informed of their right to be accompanied by a support person.
- 7.4 TIWA will ensure the student is provided with a written statement of the outcome of the internal appeal. Following endorsement by the Executive Director Service Delivery, the statement will be forwarded to the student and shall include detailed reasons for the outcome and external appeal rights for instances where they are not satisfied with the outcome.

8. APPEALS PROCESS - EXTERNAL

If all internal review options have been exhausted and the issue still cannot be resolved, students will be advised that they may lodge an external appeal with the Ombudsman WA www.ombudsman.wa.gov.au.

9. RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

- *International Student Course Progress Policy*
- *International Student Code of Conduct Policy*
- *International Student Deferral, Suspension and Cancellation Policy*
- *International Course Guide*
- *Student Letter of Offer Package*
- *International Student Complaint Review Form*

10. 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*

11. REVIEW DATE: 30 MARCH 2024

Development Date		July 2011 – previously <i>RTO Policy 3: Complaints and Appeals by ETI</i>	
Revision History			
Date	Name	Reason	Outcome & Changes
2012	Director Academic Strategy	Continuous Improvement	Reviewed in accordance with legislative requirements
2013	Director Academic Strategy	Continuous Improvement	Reviewed and rewritten – renamed <i>International Student Complaints and Appeals Policy</i>
2014	Director Academic Strategy	Continuous Improvement	Reviewed in accordance with legislative requirements
2014	Director Academic Strategy	Continuous Improvement	Reviewed in accordance with legislative requirements
2015	Director Academic Strategy	Continuous Improvement	Formatting adjusted to reflect DTWD policy template
2015	Director Academic Strategy	Legislative changes	Updated to meet the <i>Standards for Registered Training Organisations 2015</i>
2016	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)
2017	Director Academic Strategy	Continuous Improvement	Adjusted to reflect feedback from TIWA Network.
2018	Manager Education Programs	National Code Compliance	Updated to address changes to the ESOS Code 2018
2018	Director Academic Strategy	Re-Registration Audit	Updated to meet compliance requirements identified in TIWA's ASQA Re-Registration Audit
2019	Director Academic Strategy	Request by DTWD Corporate Executive	To provide clarity in relation to Principles (4.1) and Procedures (5)
2019	Manager Education Programs	Continuous Improvement	Annual Review
2021	Manager Customer Services	Continuous Improvement	Provide governance around appeal panel members and streamline the complaint process for international students.

12. CONTACT INFORMATION

TAFE International Western Australia
Service Delivery Directorate

13. APPENDICES

Appendix 1: Formal Complaint Management – Flowchart

Formal Complaint Management

