

Complaints and appeals policy

Purpose

This Student Complaint and Resolution Policy and Procedure is designed to ensure that ELC responds effectively to complaints and in accordance with the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 10.

Scope

This policy applies to all students who are enrolled in an ELICOS course at ELC.

Background

ELC is committed to an effective, timely, fair and equitable complaints and resolution system, which is easily accessible and offered to all students at ELC. Complaints can be raised by a student that cover a broad range of topics. A complaint may start as an informal conversation, however we encourage students to use the formal procedure, so that a record may be made, which will allow ELC to make continuous improvements to ELC's undertakings.

Policy

1. Overview

ELC aims to:

- Maintain a complaint handling system that is student-focused and helps ELC prevent similar incidents from recurring
- Ensure that any complaints are resolved promptly, objectively, with sensitivity and in complete confidentiality
- Ensure that the views of each complainant and respondent are respected, and that any party to a complaint is not discriminated against, or victimised
- Ensure that there is a consistent response to complaints
- Develop a culture that views complaints as an opportunity to improve the organisation and how it works,
- Treat complaints as an equitable process within a safe environment

A complaint can be defined as a person's expression of dissatisfaction with any aspect of ELC's services and activities. A complaint may be an expression of dissatisfaction with:

- The enrolment, induction/orientation process

- The quality of administrative and student support provided
- Academic matters including student progress, assessment and course delivery
- Final warnings and ELC instigated reporting to DHA, leading from poor attendance/course progress
- Third Parties that provide services on behalf of ELC
- The way someone has been treated by an ELC employee or another student

2. Complaints

Any complaint can be made in person or in writing to the Director of Studies. If in person, the complainant may take a support person to the meeting with them. If the complaint is made in person, the Director of Studies may also ask the student to put their complaint in writing. If in writing, the Director of Studies may ask the student to see them in person.

All complaints are taken seriously by ELC and will be followed up on immediately whenever possible but always within 5 working days.

No action will be taken if a student has already completed his/her course when the complaint is made.

3. How to make a complaint

1. Students may make a complaint in writing to the student services manager or the Director of Studies or by making an appointment through reception to discuss in person. Students are advised they may bring a support person with them to any in person meeting.

2. Students will be given the opportunity to give the details of the complaint. In most cases they should expect that the Director of Studies or Student Services Manager will require further time to investigate complaint and may arrange a follow up meeting.

3. The student will be informed of the outcome of the complaint and any actions arising from it within 5 working days in writing.

4. Appeals

A student has the right to appeal against any decision made by ELC in regard to:

- Intention to report for failure to meet attendance or course progress requirements
- Refusal of a release letter, holiday or other specific request in relation to their course enrolment

5. How to make an appeal

If a student disagrees with a decision made by ELC, they have the right to make an appeal against this decision within twenty days.

5.1.1 Appealing a Notice of Intention to Report for Unsatisfactory Attendance

- a. A student who receives a Notice of Intention to Report for Unsatisfactory Attendance may appeal this decision. A report for unsatisfactory attendance will not be made until the appeal process has been completed, and/or the deadline to appeal or escalate an appeal has passed. If an appeal is successful, a report for unsatisfactory attendance will not be made.
- b. An appeal may be submitted as an internal appeal form. It must be submitted within twenty (20) days of the Notice of Intention to Report for Unsatisfactory Attendance being issued. It must include supporting evidence as relevant.
- c. If a student's appeal is not successful, the student will be reported to the Department of Home Affairs for not meeting their attendance requirements. Should a student be reported to the Department of Home Affairs for unsatisfactory attendance, they will have their CoE cancelled and will be prevented from further study under that CoE.

5.1.2 Internal appeal procedures

Students may appeal their Notice of Intention to Report for Unsatisfactory Attendance by submitting an internal appeal application. An appeal must be submitted within twenty (20) working days of the Notice being issued.

The appeal must specify the reasons for the appeal, based on the appeal grounds below. It must also include any supporting documentation as relevant. The appeal application and all documentation must be readable, and in English or translated to English by a NAATI accredited translator.

An appeal can only be made on the grounds that:

- a. compassionate or compelling circumstances impacted the student and/or their progress; or
- b. the procedure for dealing with the matter was not correctly followed.

Should a student submit an appeal, the Director of Studies and/or the Student Services Manager will assess the appeal and supporting documentation and may invite the student to attend a meeting. They will consider whether the student has produced documentary evidence clearly demonstrating that compelling and compassionate circumstances apply and whether the school has followed attendance policy correctly.

The Director of Studies and/or the Student Services Manager may invite the student to a meeting during which they will:

- Advise the student of why ELC intends to report them.
- Explain the internal and external appeals process.
- Instruct the student to continue attending their course as normal during the appeal period and ensure the student understands that their attendance will continue to be monitored as per the ELC's attendance monitoring policy and procedure
- Ask the student to explain and present information (original) in regards to their grounds for their appeal

The student will be advised in writing of the outcome of the appeal within five working days of their appeal being received. This will be sent to the student by email.

- If the appeal is successful the student will be advised of any corrective action which must be taken and the importance of maintaining satisfactory attendance and progress.
- If the appeal is unsuccessful the student will be advised of their right to an external appeal within 5 working days through the Overseas Student Ombudsman.

5.1.3 External appeal to the Overseas Students Ombudsman

If a student's internal appeal and subsequent review are not successful, they may make a complaint to the NSW Ombudsman. A complaint to the NSW Ombudsman must be made within five working days of the outcome of the internal appeal being issued. Additionally, where a student has lodged a complaint with the NSW Ombudsman, the student must notify the school of this within this five working day period.

After 5 working days have passed:

- a. if the student has not notified the school of their lodgement of an Ombudsman complaint, they will be reported to the Department of Home Affairs for unsatisfactory attendance, and have their CoE cancelled; or
- b. if the student has notified the school of their lodgement of an Ombudsman complaint, the student will not be reported to the Department of Home Affairs or have their CoE cancelled for unsatisfactory attendance until such a time as the Ombudsman case has been resolved.

5.2. For any other appeal

At reception the student may make an appointment with the Director of Studies or Student Services Manager. They may bring a support person to this meeting.

If your appeal is based on compelling or compassionate circumstances you should review the ELC policy document 'Compelling and compassionate circumstances'.

The student will be given the opportunity to explain why they wish to appeal a decision and may be asked to provide documentary evidence.

You will be informed of the outcome of the appeals process in writing within 5 working days.

6. External complaints and appeals

If you are unhappy with the outcome of an internal complaint or appeal, you may lodge a complaint through the NSW Ombudsman. <https://www.ombo.nsw.gov.au/complaints>. This must be done within 20 days of notification of the outcome of your internal appeal. You should continue to maintain your enrolment throughout the appeals process.
