

STUDENT COMPLAINTS AND APPEALS POLICY AND PROCEDURE

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| Approving authority | Executive Management Team |
| Purpose | This Ozford College policy and procedure has been developed to provide students (and their parent/guardian for under-18) and staff of Ozford College (Ozford) with guidelines for complaints and appeals and processes for appealing academic and other related decisions. |
| Responsible Officer | International Student Coordinator |
| Associated documents | All College Policies and Procedures |

1. RATIONALE

A fair and transparent means of making formal complaints and appealing academic and related decisions is an integral part of all training and assessment, and a requirement to meet the Minimum standards of registration, the National Code 2018 Standard 10 – Complaints and Appeals and Ministerial Order 1359 Managing the Risk of Child Abuse in Schools And School Boarding Premises.

This policy should be read in conjunction with the Responding to and reporting allegations of suspected child abuse policy and procedures.

2. SCOPE

This policy applies to all staff and students.

This policy and supporting procedures cover all forms of student complaints and appeals in relation to:

- the operations of the College
- the school community including all staff, volunteers, contractors, service providers, visitors, or other persons connected to a school environment, families or students
- the education agents that represent the College
- related parties that supply services to students including all contracted services
- student support and services,
- bullying, harassment, discrimination and any other areas of perceived inappropriate, unfair or discriminatory treatment, action or decision.
- Privacy or personal data matters; and
- child safe incidents

3. POLICY

3.1 The Executive Management Team (EMT) has responsibility for ensuring the College has an effective complaints and appeals policy and procedures and oversight of the implementation of this policy and procedures to:

- ensure that the complaint or concern is taken seriously;
- ensure that there is a process for dealing with different types of complaints, breaches of relevant policies, the student, staff and child safe codes of conduct and obligations to act and report child abuse.

- promptly and thoroughly managing the response of the College;
 - respond appropriately to the student who raises or is affected by the complaint or concern;
 - monitor overall compliance of the College with the procedure; and
 - manage an alternative procedure for responding to the complaint or concern if any person allocated responsibility cannot perform their role due to a conflict of interest.
- 3.2 Ozford provides students and the school community with comprehensive, free, and easily accessible information about this policy on the College website. The policy and supporting procedures have been designed to be child-focused, culturally safe and easily understood.
- 3.3 Ozford is committed to considering and resolving student grievances/complaints and providing a formal mechanism for students to appeal in a manner that both protects and respects the rights of both the College and the student.
- 3.4 All complaints and appeals will be handled promptly, thoroughly, professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties. Students who lodge a complaint or appeal have the right to a professional, fair and transparent process. Any staff member involved in the complaint or appeal equally has the right to a professional, fair and transparent process.
- 3.5 The College will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems informally through discussion and conciliation. The College staff will endeavour to resolve matters at this stage. If an informal approach does not resolve the matter, the parties have the ability to make a formal complaint.
- 3.6 The College requires that all child safe incidents are lodged as a formal complaints in compliance with the Victorian child safe standards. The Responding to and reporting allegations of suspected child abuse Policy and Procedure must also be followed for child abuse incidents.
- 3.7 Student and family complaints or appeals will be treated in a serious, sensitive, impartial, confidential and timely manner and discussed only with those persons relevant to the case or who can provide specialist advice.
- 3.8 Staff involved in resolving student complaints or appeals will act fairly and base their decisions on a thorough and unbiased consideration of the facts based on submitted evidence and views expressed by all parties.
- 3.9 The College's internal complaints and appeals process has no cost to the complainant or appellant.
- 3.10 Each complainant, and appellant will have the opportunity formally present his or her own case, and each party may be accompanied and assisted by a support

person at any relevant meeting during the informal or formal complaint and appeal processes internally and externally.

- 3.11 The outcome of any internal appeal or complaint will be communicated in writing to the student within 5 working days of the determination by the College.
- 3.12 Where a complaint or appeal cannot be resolved by the College or the College's determination of a matter is not accepted by all parties, access is available to an appropriate external and independent body to review the process and decision of the College.
- 3.13 Students will be provided within 10 working days with details of external authorities they may approach, such as the Commonwealth Ombudsman if they are not successful with the internal complaints or appeals process. Any external complaints and appeals process accessed may involve costs for the student although most Commonwealth and Victorian government complaint services are supplied at no or little cost.
- 3.14 A student's enrolment will be maintained while any internal and external complaints and appeals are in progress and the outcome has not been determined.
- 3.15 If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported to the College's Executive Management team and addressed as part of the College's continuous improvement processes.
- 3.16 The College staff will keep complete records of all grievances and appeals lodged under this policy and their outcomes in student files in the Compass Management system. The records will be available for external review authorities upon request.
- 3.17 This policy is consistent with the written agreement (enrolment agreement) with students.
- 3.18 Nothing in this policy inhibits student's rights to pursue other legal remedies.
- 3.19 As required by Ministerial Order 1359 Managing The Risk Of Child Abuse In Schools And School Boarding Premises, this policy is reviewed after any significant child safety incident, or at least every two years, and improved where applicable.

4. PROCEDURE

Provision of Information

- 4.1 All current and prospective students and their parent(s)/guardian(s) for students under the age of 18 years will be provided with information about the complaints and appeals policy and procedures which is accessible on the College website.

Informal Complaint Process

- 4.2 All students and their parent(s)/guardian(s), for students under the age of 18 years, may raise any matters of concern relating to College marketing/pre-enrolment information, the enrolment process, teaching and assessment, student visa requirements, the quality of the teaching, student amenities, homestay arrangements and any other issues that may arise including in respect to student welfare such as discrimination, child abuse or a sexual abuse issue.
- 4.3 The College staff will make every endeavour to achieve an informal resolution of the question or complaint.
- 4.4 Questions or complaints dealt with in this way are not part of the formal complaint process and will not be documented, recorded or reported on unless the staff member involved determines that the issue, question or complaint was relevant to the wider operation and/or its continuous improvement.
- 4.5 At any time, students and their parent(s)/guardian(s), for students under the age of 18 years, who are not satisfied with the outcomes of the question or complaint are encouraged to register a formal complaint.

Formal Complaint Process

- 4.6 To lodge a formal complaint, the student needs to complete the Student Complaint/Appeal Application Form and submit it to the Head of Student Services with any relevant supporting information. If the Head of Student Services is a party to the complaint, the formal complaint may be submitted to the High School Coordinator.
- 4.7 As set out in the Academic progress policy and procedure, the Attendance policy and procedure and the Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy and Procedures, the following matters must be lodged as a formal complaint within 20 working days of notification of an intention to report the student in order to be considered by Ozford.
- Deferral of commencement, suspension or cancelling a student enrolment outcome
 - Intention to report the student to the Australian Government Department of Home and Affairs (DHA) for unsatisfactory course progress and/or unsatisfactory attendance and non-payment of fees (applicable to international students only)
- 4.8 The resolution phase will commence within 10 working days of the complaint being lodged in writing. A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
- 4.9 The Head of Student Services (or High School Coordinator) will commence the process by arranging a meeting with the complainant. During the meeting, the complaint will be discussed, and the College staff will attempt to resolve the matter.
- 4.10 If the complaint cannot be resolved at this stage, a formal complaints process will commence with the matter investigated and all parties involved provided the

opportunity to provide information and supply evidence about the matter. The process may involve interviews with the parties in person or via Zoom and/or submission and of written evidence.

- 4.11 At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including the details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.
- 4.12 If the complaints process results in a decision in favour of the student, the College will immediately implement the decision or recommendation and/or take preventative or corrective action required by the decision and advise the student of that action.
- 4.13 If a student is not successful in the internal complaints process, the College will advise the student within 10 working days of concluding the internal review of their right to access an external complaint handling process at minimal or no cost. The College will provide the student the contact details for the appropriate complaints and appeals handling body.

Internal Appeals

- 4.14 Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions and appeals against decisions arising from students' failure to maintain course progress and/or attendance requirements. The essential nature of an appeal is that it is a request by a student (and their parent(s)/guardian(s) for students under the age of 18 years) to reconsider a decision made by the College.
- 4.15 If the appeal is initiated by a student (and their parent/guardian for students under the age of 18 years), a Complaint/Appeal Application Form should be completed and submitted with any relevant supporting information.
- 4.16 The appeal resolution phase will commence within 10 working days of the internal appeal being lodged in writing.
- 4.17 The Executive Management team will appoint an Appeals Panel, comprising two staff members who have not been involved in the matter, within 10 working days of the appeal application being received.
- 4.18 The student (and their parent(s)/guardian(s) for students under the age of 18 years) will have the opportunity to formally present their case.
- 4.19 The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the Appeals Panel members.
- 4.20 The decision of the Appeals Panel will be communicated to the student in writing within 5 working days, unless the Appeal Panel decides that additional investigations, information or monitoring are required. In this case the student will be advised of the decision within 5 working days of the Appeal Panel reaching a decision.
- 4.21 If the appeals process results in a decision in favour of the student, Ozford will immediately implement the decision or recommendation and/or take preventative or corrective action required by the decision and advise the student

of that action.

- 4.22 If the outcome of an internal appeal by an international student against the College's decision to suspend or cancel the student's enrolment is unfavourable to the student, Ozford will advise the student within 10 working days of concluding the internal review of their right to access an external appeals handling process at minimal or no cost. Ozford will provide the student the contact details for the appropriate complaints and appeals handling body.

External Complaints and Appeals

- 4.23 Students can access an external complaints processes at any time during the complaints process.
- 4.24 The College will advise the student that they have the right to access an external complaints/appeal process by contacting the nominated independent third parties below within 10 working days for a review.

Dispute resolution bodies

Commonwealth Ombudsman (For overseas students on a student visa)

Website: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

Add: Level 6, 34 Queen Street, Melbourne Victoria 3000

Phone: 1300 362 072

The OSO is a free service.

For domestic Australian students

Resolution Institute

Address: Level 1, 13 -15 Bridge St, SYDNEY 2000

Phone: 02 9251 3366

Website: <https://www.resolution.Institute/contactus>

Students are required to pay \$192.50 to the Resolution Institute to submit an external review. If the result of the external appeal is in favour of the student all costs imposed will be reimbursed/paid by the College following the receipt of a request for reimbursement or provision of original or certified/verified copy of the invoices. No other costs incurred by the appellant will be reimbursed.

Other external appeal options for students:

Victorian Curriculum and Assessment Authority (VCE/VCAL students)

Website: <https://www.vcaa.vic.edu.au/Contact/Pages/Complaints>

Complaints about a school decision (*no later than 14 days after the student receives written notice of the decision from the school*)

should be directed to:

Chief Executive Officer
Victorian Curriculum and Assessment Authority
Level 7, 2 Lonsdale Street
MELBOURNE VIC 3000

Complaints about:

- the conduct or marking of VCE examinations (including the General Achievement Test)
- the National Assessment Program (NAPLAN)
should be directed to:

Executive Director, Assessment and Reporting Division
Victorian Curriculum and Assessment Authority
Level 7, 2 Lonsdale Street
MELBOURNE VIC 3000

Victorian Registration and Qualifications Authority

Website: <https://www.vrqa.vic.gov.au/complaints/Pages/complaints.aspx>

For complaints about breaches of school registration standards and VRQA guidelines.

Commission for Children and Young People

Website: <https://ccyp.vic.gov.au/report-an-allegation>

To report a child safety concern to the Commission, or to other agencies

Phone: 1300 78 29 78

Email: contact@ccyp.vic.gov.au

Victorian Equal Opportunity and Human Rights Commission

Website: <https://www.humanrights.vic.gov.au/>

Phone: 1300 292 153

The Victorian Equal Opportunity and Human Rights Commission helps people resolve complaints of discrimination, sexual harassment, racial and religious vilification, and victimisation.

- 4.25 Students are advised that the purpose of the external appeals process will generally be to consider whether the College has followed its policies and procedures, rather than make a decision in place of Ozford College. For example, if a student appeals against his or her subject results and goes through the internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.
- 4.26 The external appeals procedure will be determined by the external review body. The College will cooperate with any request for information or evidence from the external review body.
- 4.27 Following the receipt of the outcome of the external appeal the College will immediately implement the decision, convey the outcome to the student and undertake any improvement actions arising from the complaint.
- 4.28 If an appeal is against the College's decision to report the student for unsatisfactory attendance or course progress, the College will maintain the student's enrolment (i.e. not report the student) until the external appeals process is complete and has supported the decision to report.
- 4.29 If an appeal is against the College's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, the College will only await the outcome of the internal appeals process (supporting the College) before reporting the student via PRISMS.

Other avenues:

- 4.30 Students are entitled to resolve any dispute by exercising their rights to other legal remedies. The student has the right to take action under the Australian Consumer Law if the Australian Consumer Law applies.

- 4.31 Students wishing to take this course of action are advised to contact a solicitor, or contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, and telephone 9607 9311 for a referral to a solicitor.

5. FEEDBACK

Feedback or comments on this policy and procedure is welcomed by the listed responsible officer.

Complaint/Appeal Application Form

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| First Name: | | Surname/Family Name: | |
| Student No.: | | Course Name: | |
| Course commencement: | | Course Completion: | |

| | |
|--------------------------------------------------------------------|--------|
| Subject/Unit Name: | |
| Assessment Task: | |
| Due Date: | |
| Teacher's Name: | |
| Reason for Appeal: | |
| Any other relevant information/evidence you would like to include: | |
| Do you wish to be represented by another person at the appeal: | Yes/No |
| If Yes, please provide representative's name: | |
| Signature: | |
| Date: | |
| Action Taken By: | |
| Description of Action Take: | |
| Date: | |

Student name
Student address

Date of Letter

Dear *(student's name)*,

Re: Outcome of Complaint/Appeal - Upheld

I write to inform you of the decision of your appeal about *(subject of appeal)*.

After consideration of the matters you raised and information you presented at the hearing on *(date of meeting)*, the Appeals Committee has decided to uphold your appeal for the following reasons:

- *(list reasons)*
- *(list reasons)*
- *(list reasons)*

You will now need to: *[delete if not required]*

- *(Resit the assessment)*
- *(Attend your classes as per the timetable)*
- *(Confirm details of your accommodation)*
- *(Meet with the Student Counsellor for ongoing support)*
- *(Meet with the Student Services Coordinator to discuss expectations of behaviour and attendance)*
- *(other conditions/action)*

Yours sincerely,

Appeal Committee members

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Student name
Student address

Date of Letter

Dear *(student name)*,

Re: Outcome of Complaint/Appeal - Denied

I write to inform you of the decision of your appeal about *(subject of appeal)*. After consideration of the matters you raised and information you presented at the meeting on *(date of meeting)*, the Appeals Committee has decided to reject your appeal for the following reasons:

- *(list reasons)*
- *(list reasons)*
- *(list reasons)*

Under the College's Complaints and Appeals Policy, students may seek assistance from an external body if they are not satisfied with the decision reached by the College. The providers we use for this mediation service are:

For overseas students on student visa

Commonwealth Ombudsman

Add: Level 6, 34 Queen Street, Melbourne Victoria 3000

Phone: 1300 362 072

Website: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

The OSO is a free service.

For domestic Australian students

Resolution Institute

Address: Level 1, 13 -15 Bridge St, SYDNEY 2000

Phone: 02 9251 3366

Website: <https://www.resolution.Institute/contactus>

You may contact Commonwealth Ombudsman or the Resolution Institute within 10 working days from the date of this letter if you wish to take your appeal further. This service is provided at no cost/minimal cost to you. During this time (and if you choose to make an appeal, while your appeal is being considered), your enrolment will be maintained. Ozford will contact Commonwealth Ombudsman or the Resolution Institute after 10 working days about this matter. If you have not made an external appeal Ozford will (list consequences – For eg: cancel your enrolment by notifying the Secretary via Provider Registration and International Students Management System (PRISMS).

For international students, cancellation of Enrolment may affect your student visa, if you require more information as to how this action may affect your visa status, contact your local immigration office or phone the immigration helpline 131881.

Yours sincerely,

Appeal Committee members