

Complaints and Appeals Policy and Procedure

1. Rationale

To provide students and staff of Ozford English Language Centre (Ozford) with guidelines on grounds for complaints and appeals and processes for appealing academic and other related decisions. 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 Standard 10 of the National Code 2018.

2. Scope

This policy and procedure applies to all staff, contractors and prospective, enrolled and past Ozford students.

This policy manages and responds to allegations involving the conduct of:

- Ozford English Language Centre, its teachers and trainers or other staff; or
- A learner of Ozford.

3. Policy

- 3.1 Students who are concerned about the conduct of Ozford are encouraged to attempt to resolve their concerns using this procedure.
- 3.2 The procedure will be implemented at no cost to the student and is accessible on the Ozford intranet and internet.
- 3.3 All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
- 3.4 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties. Complaints and appeals will be recorded, acknowledged and dealt with fairly, efficiently and effectively. The principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process.
- 3.5 Students (international students who are on a student visa and domestic students only) will be provided with details of external authorities they may approach, if required.
- 3.6 At any stage in the internal complaint or appeal process, students are entitled to have their own nominee included to accompany and support them.
- 3.7 Students may raise any matters of concern relating to training delivery and assessment, the quality of teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
- 3.8 For internal complaints and appeals:
 - The student will have an opportunity to formally present their case, in writing or in person at no cost to the student.
 - The student may be accompanied and assisted by a support person at any relevant meetings.

- 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.
- 3.9 A student's enrolment must be maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined if the internal complaint or appeal is initiated by the student. Where the suspension or cancellation is not initiated by the student and if the student accesses the complaints and appeals process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply as stated in the Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy & Procedures.
- 3.10 Ozford will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent body to review the process implemented by Ozford.
- 3.11 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 management meeting as part of the continuous improvement process.
- 3.12 Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to contact a solicitor or the Law Institute of Victoria, 470 Bourke St Melbourne 3000, Tel: 9607 9311, for a referral to a solicitor.
- 3.13 Where Ozford considers more than 60 calendar days are required to process and finalise the complaint or appeal, Ozford will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required and will regularly update the complainant or appellant on the progress of the matter.
- 3.14 Ozford will keep proper records of all informal and formal discussions conducted under this policy and procedure and their outcomes on the student management system for 5 years. All such records will be treated as confidential.
- 3.15 Ozford identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

4. Definitions

Complaint: An expression of dissatisfaction with an action, product or service provided. Complaints may be received from students, employers, staff or contractors.

Appeal: An appeal is where a student, employer, staff or contractors may dispute a decision made by Ozford or third parties acting on its behalf. The decision in question may be an assessment decision or may be about any other aspect relating to operations.

Complainant: The person who is making a complaint. A complainant may be either a student, employer, staff member or contractor.

Appellant: The person who is making an appeal. An appellant may be either a student, employer, staff member or contractor.

Independent Third Party: A person with no vested interest in the complaint or appeal to either act as mediator or witness during investigations of the appeal or complaint. The independent third party can be nominated by either Ozford or the complainant / appellant and must be agreed upon by both parties.

5. Complaint Procedure

Informal Complaint Process

- 5.1 Any student with a question or complaint may raise the matter with staff of Ozford and attempt an informal resolution of the question or complaint.
- 5.2 Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the Ozford staff member involved determines that the issue question or complaint was relevant to the wider operation of Ozford.
- 5.3 Students who are not satisfied with the outcomes of the question or complaint are encouraged to register a formal complaint.

Formal Complaint Process

- 5.4 Students who are not satisfied with the outcomes of the informal process, or, who want to register a formal complaint may do so. To register a formal complaint, a student must complete the Student Complaint/Appeal Application Form available from the Student Liaison Officer and contact the Student Services Coordinator to arrange a meeting. At this meeting the complaint can be raised and a resolution attempted.
- 5.5 At the stage of the complaint meeting, the complaint must be recorded in writing and signed and dated by the complainant and the Student Services Coordinator. The complaint is recorded in writing by completing the student complaint form prior to the meeting or a new document can be prepared and signed during the meeting.
- 5.6 The Student Services Coordinator will then attempt to resolve the complaint with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint being lodged in writing.
- 5.7 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.
- 5.8 At the end of the resolution phase, the Student Services Coordinator will report the College's decision to the student. The College's decision and reasons for the decision will be documented by the Student Services Coordinator and placed in the student's file.

5.9 Following the resolution phase, the College will implement the decision as conveyed to the student and undertakes any improvement actions arising from the complaint.

5.10 If a student is dissatisfied with the outcome of the formal complaint process then they may institute an internal appeals process by completing the appeals form.

6. Appeal Procedure

Internal Appeals

6.1 Internal appeals may arise from a number of sources including appeals against assessment, appeals against disciplinary actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by Ozford.

6.2 Students appealing an assessment or course credit outcome will need to have a meeting with the ELICOS Coordinator. Students will be given the opportunity for reassessment by a different assessor appointed by Ozford. Costs of reassessment will be met by Ozford. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.

6.3 A student's enrolment must be maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined if the internal complaint or appeal is initiated by the student. Where the suspension or cancellation is not initiated by the student and if the student accesses the complaints and appeals process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply as stated in the Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy & Procedures.

6.4 The following matters must be lodged as a formal appeal within 20 working days of notification in order to be considered by Ozford.

- Deferral of commencement, suspension or cancelling a student enrolment outcome
- Intention to report the student to the Department of Home Affairs for unsatisfactory course progress/unsatisfactory attendance and non-payment of fees (applicable to international students only)
- Non-achievement of unit competency

6.5 If the appeal is initiated by students, students are advised to complete a Complaint/Appeal Application Form available from the Student Services and Administration Coordinator. The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.

6.6 An Appeal Panel comprising two senior staff members not directly involved in the matter will be convened by the Student Services and Administration Coordinator within 10 working days of the appeal application being received.

- 6.7 The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the Appeal Panel and placed in the student file.
- 6.8 The decision of the Appeal 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.
- 6.9 Following the internal appeals phase, Ozford will implement the decision as conveyed to the student and implement any improvement actions arising from the complaint.
- 6.10 There are no further avenues within the College for complaints or appeals after the internal appeals process has been completed, however, an external appeals process is available.

External Appeals

- 6.11 Students, if after following our internal appeal process, still believe that we are breaching or have breached our legal requirements or are not satisfied with the decision reached; they may seek assistance from a formal external authority. The external providers Ozford uses for this mediation service to students are:

For overseas students who are on a student visa

OVERSEAS STUDENT OMBUDSMAN (OSO)

Phone: 1300 362 072

Website: www.oso.gov.au

The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider.

Except in exceptional circumstances, the student must attach evidence to their complaint form showing:

- that they have followed Ozford's formal complaints procedure, and
- Ozford's response.

- 6.12 The purpose of the external appeals process is to consider whether Ozford has followed its student complaints and appeals procedure, not to make a decision in place of Ozford. 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.
- 6.13 The external appeals procedure will be determined by the independent mediator.
- 6.14 Following the receipt of the outcome of the external appeal, Ozford must immediately implement the decision, convey the outcome to the student and undertake any improvement actions arising from the complaint.

6.15 If an appeal is against Ozford's decision to report the student for unsatisfactory course progress, Ozford must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress) until the external appeals process is complete and has supported Ozford's decision to report.

6.16 If an appeal is against Ozford's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, Ozford only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Education and Training (applicable to international students only) through PRISMS of the change to the student's enrolment.

7. FEEDBACK

Feedback or comments on this policy and procedure is welcomed by the Executive Management Team.

Complaint/Appeal Application Form

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

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:	

Ozford English Language Centre Appeal Record Form

Name of Student _____ Date: _____

DOB _____ Course _____

Appeal reason:

- Unsatisfactory attendance
- Unsatisfactory course progress
- _____

Student details:

Student employment _____ Location _____ hrs/week _____

Homestay Independent living Other _____

Student comment: _____

Appeal Committee comment: _____

Appeal upheld Appeal denied

Reasons for decision: _____

Appeal Panel:

Name and position _____ Signature _____

Name and position _____ Signature _____

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student name)
(Student address)
(Date)

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,

Administrator Coordinator
Ozford English Language Centre

(Student name)
(Student address)
(Date)

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

- **For overseas students who are on a student visa**
OVERSEAS STUDENT OMBUDSMAN (OSO)
Phone: 1300 362 072
Website: www.oso.gov.au
(*The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider.*)

Except in exceptional circumstances, student must attach evidence to their complaint form showing:

- that they have followed Ozford's formal complaints procedure, and
- Ozford's response.

You may contact OVERSEAS STUDENT OMBUDSMAN (OSO) 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 to you. During this time (and if you choose to make an appeal, while your appeal is being considered), your enrolment will be maintained. If you have not made an appeal to OSO, Ozford will (list consequences – For eg: cancel your enrolment by notifying the Secretary of DET 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 Department of Home Affairs office or phone the Department of Home Affairs helpline on 131881.

Yours sincerely,

Student Services and Administration Coordinator
Ozford English Language Centre

Complaints Process Map

