



Overseas Student Complaints and Appeals Policy

Section 1 – Application

The *Education Services for Overseas Students Act 2000* (ESOS Act) and related legislation are designed to protect the interests of overseas students coming to Australia on student visas. The legislation aims to protect and enhance Australia's reputation for quality education, to provide tuition protection and support the integrity of the student visa programme.

Standard 10 of the National Code requires the College to have and implement a documented internal complaints handling process and policy, and provide overseas students with comprehensive, free and easily accessible information about that process and policy.

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Under the ESOS Act, the purpose of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code 2018) is to set nationally consistent standards and procedures for registered providers and for persons who deliver education services on behalf of registered providers. The National Code supports the effective administration of the ESOS legislative framework by the Commonwealth and state and territory governments.

This document sets out the internal and external procedures, both informal and formal that apply within the College for responding to concerns. These procedures are designed to ensure that throughout the College there is a transparent process for responding to complaints which is fair, consistent and prompt.

Section 2 - Policy Statement

It is the College's policy to provide access to the College's Complaints Handling Policy to our overseas students for both formal and informal complaints which are managed through our Complaints Handling Policy.

It is the College's policy that if a formal complaint received by, or related to, an overseas student is not resolved to the satisfaction of the complainant, it may, at the request of the complainant, be escalated to an internal Appeals Panel.

Section 3 – Procedures

3.1 Complaints and Appeals Process

These internal procedures are a conciliatory and non-legal process.

- a) In the first instance, the College requests there is an attempt to informally resolve the issue through mediation/informal resolution of the complaint. If this is unsatisfactory or does not result in a resolution of the matter, the College's internal formal complaints handling procedure will be followed.
- b) The process of this grievance procedure is confidential, and any complaints are a matter between the parties concerned and those directly involved in the complaints' handling process.
- c) If the student or parent(s)/legal guardian remains dissatisfied with the outcome, the College will advise of access to an independent external appeals process.
- d) Grievances brought by a student against another student will be dealt with under the College's behaviour management policies, the [JPC-Our-College-Values-and-Expectations](#) and [Bullying Prevention and Management Policy](#)

- e) For conditions which apply to the handling of a complaint or appeal arising from the College's suspension or cancellation of a student's studies.
- f) For the duration of the appeals process, the school will maintain the student's enrolment and attendance at all classes as normal.

3.2 Students (Internal Complaints and Appeals Process)

- a) Students should contact the Head of School/Deputy Head of International Operations in the first instance to attempt mediation/informal resolution of the complaint.
- b) If the matter cannot be resolved through mediation, the matter will be referred to the Principal/Head of International Operations.
- c) At this point, the student should notify the College in writing of the nature and details of the complaint.
- d) Where the internal complaints and appeals process is being accessed because the student has received notice by the school that the school intends to report him/her for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student has twenty (20) working days from the date of receipt of notification in which to lodge a written proposal.
- e) Each complainant has the opportunity to present his/her case to the Principal/Head of International Operations.
- f) Students and/or the College may be accompanied and assisted by a support person at all relevant meetings.
- g) The College will conduct the assessment of the complaint or appeal in a professional, fair and transparent manner.
- h) The formal complaints process will commence within ten (10) working days of the lodgement of the complaint with the Principal/Head of International Operations and finalise the outcome as soon as practicable.
- i) For the duration of the internal complaints and appeals process the student's enrolment will be maintained, as required under the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* and the student must continue to attend classes.

However, if the Principal/Head of International Operations deems that the student's health or well-being, or the well-being of others is at risk he/she may decide to suspend or cancel the student's enrolment before the complaints and appeals process has been accessed or fully completed. In such cases, the student may still lodge a complaint or appeal, even if the student is offshore.

- j) Once the Principal/Head of International Operations has come to a decision regarding the complaint, the student will be informed in writing of the outcome and the reasons for the outcome within 10 days of the completion of the internal review, and a copy will be retained on the student's file.
- k) If the complaints procedure finds in favour of the student, the College will immediately implement the decision and any corrective and preventative action required and advise the student of the outcome and action taken.
- l) If the complaints procedure does not find in favour of the student or the student is dissatisfied with the result of the complaints procedure, he/she will be informed of the external complaints and appeals process available to them at minimal or no cost within ten (10) working days of concluding the internal review.
- m) John Paul College undertakes to finalise all grievance procedures within twenty (20) working days.

3.3 Parent(s)/Legal Guardian

- a) A support person of any relevant means should contact the Head of School/Campus in the first instance to attempt mediation/informal resolution of the complaint.

- b) If the matter cannot be resolved through mediation, it will be referred to the Principal/Head of International Operations.
- c) At this point, parent(s)/legal guardian must notify the College in writing of the nature and details of the complaint.
- d) Each complainant has the opportunity to present their case to the Principal/Head of International Operations. Parent(s)/legal guardian may be accompanied by a support person.
- e) John Paul College's internal formal complaints process will commence within ten (10) working days of the lodgement of the complaint with the Head of Campus.
- f) Once the Principal/Head of International Operations has come to a decision regarding the complaint, the parent(s)/legal guardian will be informed in writing of the outcome and the reasons for the outcome.
- g) If the complaints procedure finds in favour of the parent(s)/legal guardian, the College will immediately implement the decision and any corrective and preventative action required.
- h) If the complaints procedure does not find in favour of the parent(s)/legal guardian or the parent(s)/legal guardian is dissatisfied with the result of the complaints procedure, the College will advise of the external complaints and appeals process available to them at minimal or no cost within ten (10) working days of concluding the internal review.
However, the College is only obliged to await the outcome of an external appeal if the matter relates to a breach of course progress and attendance requirements. For all other issues, the College may take action (including making changes to the student's enrolment status in PRISMS) in accordance with the outcome of the internal appeal.
- i) John Paul College undertakes to finalise all grievance procedures within twenty (20) working days.

3.4 External Complaints and Appeals Processes

- (a) If a student wishes to complain or lodge an external appeal about a decision made or action taken by the College, he/she may contact the Overseas Student Ombudsman at no cost. The Overseas Student Ombudsman offers a free and independent service for overseas students. Please see: <http://www.ombudsman.gov.au/How-we-can-help/overseas-students>, or phone 1300 362 072 for more information.
- (b) If the student wishes to appeal a decision made by the College that relates to being reported for a breach of course progress or attendance requirement (under Standard 8), the student must lodge this appeal with the Overseas Student Ombudsman's office within ten (10) working days of being notified of the outcome of his/her internal appeal.
- (c) If the student wishes to appeal a decision made by the College that relates to:
 - a. Refusal to approve a transfer application (under Standard 7), or
 - b. Suspension or cancellation of the student's enrolment (under Standard 9)
 any choice to lodge an external appeal with the Overseas Student Ombudsman is at the student's discretion. The school need not await the outcome of any external appeal lodged, before implementing the outcome of the internal appeal.

3.5 Other Legal Redress

Nothing in the College's Complaints and Appeals Policy negates the right of an overseas student to pursue other legal remedies.

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