



COMPLAINTS AND APPEALS POLICY AND PROCEDURE

POLICY TITLE: COMPLAINTS AND APPEALS POLICY AND PROCEDURE
POLICY NUMBER: WIP0910 – 003
RESPONSIBILITY: Manager, Student Administration Services

■ The National Code, Standard 8 requires that Registered Providers' complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

What types of complaints are there?

WAIFS classifies complaints as 'academic' and 'non-academic'. The complaints and appeals process for both types of complaint is the same with the only difference being that different WAIFS staff attend the internal formal hearing of the complaint depending on whether it is academic or non-academic.

'Non-academic' complaints include complaints about:

- Student administration
- Marketing and information
- Facilities
- Fees and finance related matters
- Welfare

'Academic' complaints include complaints about:

- Assessment and results
- Student progress
- Statements of Attainment and

Certificates WAIFS Complaints and Appeals

Process:

(i) Informal resolution of a complaint

On many occasions, complaints can be dealt with successfully through an informal process where the complainant and the other party meet and discuss matters openly with each other to come to a satisfactory resolution for all concerned. WAIFS encourages any student who has a complaint to try to resolve the matter with the other party in an informal manner before commencing formal complaint procedures. Students are welcome to bring a support person of their choice to a meeting to assist in resolving any issues in an informal manner.

Students should feel reassured about using an informal process to resolve complaints before the commencement of formal procedures.

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WAIFS takes complaints very seriously. All WAIFS staff are aware that these matters should remain confidential between the parties concerned and any WAIFS staff member attending a meeting relating to resolution of the matter.

Additionally, WAIFS staff are aware that issues will arise from time to time and that it is in the interest of all concerned that these matters be dealt with:

- (a) As quickly and easily as possible (these matters seem worse when they continue unaddressed for some time), and;
- (b) In an environment that retains a level of maturity throughout. All parties should listen to each other with openness to the other person's point of view and with a desire to come to a resolution which is acceptable for all.

WAIFS recommends that all students attempt to resolve any complaints through an informal process before accessing the formal WAIFS complaints process.

(ii) Formal Complaints and Appeals Process

If a student has a complaint which:

- (i) They have tried to resolve informally but this has been unsuccessful, or;
- (ii) They do not feel that they can attempt to resolve informally because of the nature of the complaint e.g. harassment

Then the student can access WAIFS' formal complaints and appeals process.

Conciliator

At any point in the internal complaints process, a complainant may seek advice from: The Conciliator - Department of Education Services
 22 Hasler Road, OSBORNE PARK WA 6017
 Telephone: 08 9441 1953
 Email: conciliation@des.wa.gov.au

The formal complaints and appeals process is as follows:

Internal Complaints and Appeal Process

- (a) Student lodges a formal complaint in writing outlining the reasons for their complaint and outlining their desired outcome;
- (b) Manager, Student Administration Services (or suitable alternative) writes to the complainant within a reasonable time frame (**generally, within 5 working days and no longer than 10 working days**) acknowledging receipt of complaint;
- (c) Student is requested to attend a meeting to resolve the complaint. The student is informed that they may be assisted or accompanied by a support person of their choice at the meeting and that they will be given the opportunity to present their case. (Pro forma letter at Appendix A – this is not a compulsory format and is for guidance only).
- (d) Student (and any support person) attends a meeting with WAIFS where the complaint is heard and any supporting documentation is considered.

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For academic complaints WAIFS attendees will comprise any 2 of:

- CEO/Director
- Head of Training
- Trainer
- Manager, Student Administration Services
- Any other WAIFS employee considered appropriate.

For non-academic complaints WAIFS attendees will comprise any 2 of:

- CEO/Director
- Head of Training
- Manager, Student Administration Services
- Any other WAIFS employee considered appropriate.

- (e) Within a reasonable time after the meeting where the complaint was considered (and no longer than 10 working days), the Manager, Student Administration Services (or suitable alternative) will write to the student to inform them of the outcome of the meeting and the reasons for any decision taken. A copy of the outcome will be placed on the student's file.

Pro-forma is available in Appendix A. This is not a compulsory format and is for guidance. An email is sufficient as long as it covers:

- (i) *The outcome of the appeal*
- (ii) *The reasons why the decision was made, and*
- (iii) *The next stage of the process for the complainant.*

- (f) Where a decision is made in favour of the student, WAIFS will advise the student of this and implement any decision and or/corrective and preventive action required.
- (g) Students should note that during the internal complaints and appeal process their enrolment at WAIFS will always be maintained – subject to extenuating circumstances (see explanation later in policy and procedure).

Note: Standard 8 of the National Code 2007 does not require WAIFS to continue to offer learning opportunities throughout the complaints or appeals process.

WAIFS will decide whether it will continue to offer learning opportunities throughout any appeals process on a case by case basis (responsibility – Head of Training or suitable alternative).

In some cases, WAIFS may decide to exclude a student from attending classes, but continue to provide work to complete outside of the classroom environment.

In all cases WAIFS will consider that to deny students learning opportunities throughout the appeals process may disadvantage the students in their subsequent studies should the appeals process find in their favour.

External Appeals Process

- (h) Where a student is not satisfied with the result or conduct of the internal complaints and appeals process, the student has the right to access an external appeals process through the Overseas Students Ombudsman.

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“The Overseas Students Ombudsman (OSO)

The Overseas Students Ombudsman investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia.

If you are not satisfied with a decision or action taken by your private registered education provider, you should ask about their internal complaints and appeals process. If you complain to your provider, but you are not satisfied with the result, you can complain to the Ombudsman.

The Ombudsman:

- Provides a free service
- Is independent and impartial, and does not represent either overseas students or private education providers
- Can make recommendations arising out of investigations
- Is a function of the Commonwealth Ombudsman.

Contact details for the Overseas Students’ Ombudsman are:

Web: www.oso.gov.au

Email: ombudsman@ombudsman.gov.au

Call: 1300 362 072* within Australia. Outside Australia call +61 2 6276 0111. Enquiries 9am to 5pm Monday to Friday (AEST)

Fax: 02 6276 0123 within Australia. Outside Australia +61 2 6276 0123.

Postal: GPO Box 442 Canberra ACT 2601.

Further information is available at:

<http://www.ombudsman.gov.au/about/overseas-students/for-overseas-students>

(i) If the external appeal process is in your favour, WAIFS will take immediate action to inform you of the decision and to implement any decision and/or corrective and preventive action required.

Reporting to DEPARTMENT OF EDUCATION

(j) The National Code 2007 requires that when a student’s external appeal is against WAIFS’ decision to report the student for unsatisfactory course progress WAIFS must maintain the student’s enrolment (ie. not report the student for unsatisfactory progress) until the external complaints process is complete and has supported the provider’s decision to report before notifying the Department of Education through PRISMS of the change to the student’s enrolment.

WAIFS must wait for the outcome of the external process in this case as reporting a student for unsatisfactory progress has serious consequences for the student’s visa – Although automatic visa cancellation no longer exists, DIBP may still cancel a student’s visa at their discretion.

(k) If the student’s external appeal is against WAIFS’ decision to:

- Defer or suspend a student’s enrolment due to misbehaviour, or
- To cancel the student’s enrolment

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WAIFS only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Education through PRISMS of the change to the student's enrolment.

Once the Department of Education has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:

- Leave Australia
- Show the Department of Immigration and Citizenship (DIBP) a new Confirmation of Enrolment (CoE)
- Provide DIBP with evidence that he or she has accessed an external appeals process.

(iii) Suspension or cancellation of a student's enrolment before the internal appeals process is complete if extenuating circumstances relating to the welfare of the student or others.

In cases where WAIFS has reason for concern for the welfare of the student or those with whom the student may come into contact, the provider can cancel the student's enrolment prior to completion of the appeals process. Where extenuating circumstances are considered to exist, the CEO or Managing Director will make the final decision and inform the Manager, Student Administration Services (or suitable alternative) who will then issue any correspondence (pro-forma in Appendix A) and report to DEPARTMENT OF EDUCATION.

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