



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

**POLICY NUMBER:** NC18-PP004

**RESPONSIBILITY:** HEAD OF ADMINISTRATION

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### APPENDIX A - AVAILABLE FOR WAIFS EMPLOYEES ONLY

#### 1. Background

The National Code 2018, Standard 10 and the Standards for Registered Training Organisations (RTOs) 2015, Standard 6 require that Registered Providers must have and implement a documented internal complaints handling and appeals process and policy, and provide the student with comprehensive, free and easily accessible information about that process and policy.

In the context of this document the following meaning is intended:

- Overseas students are students, who are on a temporary student visa.
- Domestic Students are all students, who are not on a temporary student visa.
- Where reference is made to students both overseas and domestic students are meant.



## 2. What types of complaints are there?

WAIFS will respond to any complaint or appeal a student makes regarding his or her dealings with the registered provider, the registered provider's education agents or any related party the registered provider has an arrangement with to deliver the student's course or related services.

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 but are not limited to complaints about:

- Student administration
- Marketing and pre-enrolment information
- Education agents/Migration agents who have referred students to WAIFS
- Any related party WAIFS has an agreement with to deliver a course or related service to a student
- Facilities
- Fees and finance related matters
- Welfare

'Academic' complaints include but are not limited to, complaints about:

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

## 3. WAIFS Complaints and Appeals Process:

### Informal resolution of a complaint

- (i) 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.
- (ii) Students should feel reassured about using an informal process to resolve complaints before the commencement of formal procedures.
- (iii) 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.
- (iv) 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:
  - As quickly and easily as possible (these matters seem worse when they continue unaddressed for some time), and;
  - 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.*

### 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.



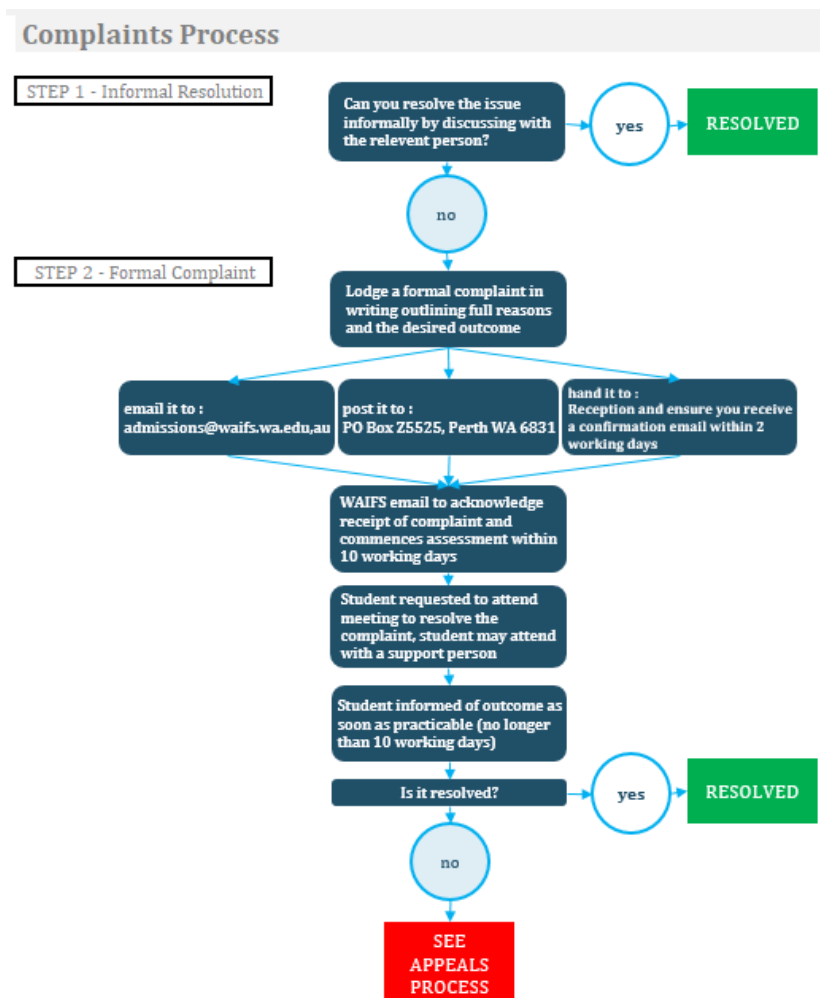
4. The formal complaints process is as follows:

Where a student is appealing a decision made by WAIFS e.g. to cancel an enrolment for poor course progress or non-payment of fees, go straight to Section 5, Internal Appeals Process.

Internal Complaints Process

1. Student lodges a formal complaint **in writing** outlining the reasons for their complaint and outlining their desired outcome;
2. Head of Administration (or suitable alternative) writes to the student **within 10 working days** acknowledging receipt of complaint, and;
3. 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. The meeting will be held in a professional, fair and transparent manner. (Pro forma at Appendix A).
4. WAIFS attendee will be decided after reviewing the contents and sensitivity of the complaint by one of the, Marketing Manager or Head of Administration.
5. Student (and any support person) attends a meeting with WAIFS where the complaint is heard and any supporting documentation is considered.
6. Students are not charged any fee for any matter related to the complaints and appeals process i.e. for any correspondence/meetings in relation to any complaint.
7. Within a reasonable time after the meeting where the complaint was considered (**and no longer than 10 working days**), the Head of Administration (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 (including the reasons for the outcome) will be placed on the student’s e-file and retained by WAIFS.
8. An email is sufficient for this purpose as long as it covers:
  - (i) The outcome of the complaint meeting
  - (ii) The reasons why the decision was made, and
  - (iii) The next stage of the process – accessing the internal appeals process.

Pro-forma is available in Appendix A.





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### 5. Internal Appeal Process Commences

#### Internal Appeals Process

1. Student lodges an appeal **in writing** outlining the reasons for their appeal;
2. Head of Administration (or suitable alternative) writes to the student within 10 working days acknowledging receipt of appeal, and;
3. Student is requested to attend a meeting to discuss the appeal. 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. The meeting will be held in a professional, fair and transparent manner. (Pro forma at Appendix A).
4. Student (and any support person) attends a meeting with WAIFS where the appeal is heard and any supporting documentation is considered.

For academic complaints WAIFS attendees will comprise at least 1 of:

- CEO/MD
- Head of Studies
- Senior Trainer
- Head of Administration
- Head of Compliance
- Any other WAIFS employee considered appropriate.

For non-academic complaints WAIFS attendees will comprise at least 1 of the following:

- CEO/MD
- Head of Compliance
- Head of Administration
- Accountant
- Any other WAIFS employee considered appropriate.

**Note:** Students are not charged any fee for any matter related to the complaints and appeals process i.e. for any correspondence/meetings in relation to any complaint.

Within a reasonable time after the meeting where the appeal was considered (**and no longer than 10 working days**), the Head of Administration (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 (including the reasons for the outcome) will be placed on the student's e-file and retained by WAIFS.

An email is sufficient for this purpose as long as it covers:

- (i) The outcome of the meeting
- (ii) The reasons why the decision was made, and
- (iii) The next stage of the process for the student– accessing the external appeals process.

If a decision is communicated to the student to deny the appeal, the student may request a further meeting with a different employee of WAIFS. The student may state that they now have additional information that they would like to be considered by WAIFS or they may simply consider that they will get a different decision from a different person.

It is up to the WAIFS' staff member to decide whether a further meeting would be appropriate. The assessment of this must be a reasonable one and must not be affected by any personal opinion of the student.

If a decision is made to allow a further meeting, the student should be emailed and allowed to bring a support person, if desired. The student should be informed that the granting of an additional meeting does not mean that the appeal will now be approved.

The student should also be informed that, unless new 3rd party information becomes available which has not previously been considered by WAIFS, no further meetings will be approved. The student should also be notified that 3rd party, independent information will need to be verified independently by WAIFS as being genuine and the student may need to authorise this approval. If the student is not prepared to approve WAIFS' independent verification, a further meeting will not proceed. The student should be emailed the 3rd party information verification form to complete and return at/before the meeting.



## 6. Decision Made in Student's Favour (After Internal Appeals Process completed)

Where a decision is made in favour of the student, WAIFS will advise the student and immediately implement any decision and/or take the corrective or preventive action required by the decision, and advise the student of that action. The student will be notified in writing of the outcome by the Head of Administration (or appropriate alternative) and of any action that will be taken by WAIFS.

## 7. Decision NOT Made in Student's Favour (After Internal Appeals Process completed)

Where a decision is NOT made in favour of the student, the student will be notified in writing of the outcome by the Head of Administration (or appropriate alternative). The student will be notified **within 10 working days** of the decision being made, and earlier where possible.

WAIFS will advise the student in writing:

- (i) Their internal appeal has NOT been successful
- (ii) The reasons why their internal appeal was NOT successful
- (iii) That the student can now access the EXTERNAL appeals process.  
For overseas students: The external appeals process means that the student can contact the Overseas Students Ombudsman – see “External Appeals Process” In Section 8.

For domestic students: The external appeals process means that the student can contact the National Training Complaints Hotline. The hotline will refer you to Skilling Australia. Further information is available at <https://www.employment.gov.au/national-training-complaints-hotline>– see “External Appeals Process” In Section 8.

- (iv) That the purpose of the external appeals process is to consider whether the registered provider has followed its policies and procedures, rather than make a decision in place of the institution (WAIFS).

An example illustrating this should also be provided as follows:

“For example, if an overseas student appeals against his or her subject results and goes through the registered provider’s internal appeals process, the external appeals process 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.” (Source: [www.internationaleducation.gov.au/RegulatoryInformation/Documents/National%20Code%202018%20Factsheets/Standard%2010.pdf](http://www.internationaleducation.gov.au/RegulatoryInformation/Documents/National%20Code%202018%20Factsheets/Standard%2010.pdf))

- (v) That WAIFS will wait 20 working days from:
  - a) One working day following the issue an email advising the student of the outcome, OR
  - b) Two working days following the issue of a postal letter advising the student of the outcome

To simplify this, the notification to the student will simply say:

**“WAIFS will wait 20 working days from (insert date) to be advised by you, in writing, that you have accessed the external appeals process (overseas students with the Overseas Students Ombudsman and domestic students with the national-training-complaints-hotline).**

If you do not advise WAIFS in writing within this period, WAIFS will finalise the outcome of the internal appeal process and take such steps as are required in relation to your enrolment at WAIFS. This may involve for overseas students cancelling your confirmation of enrolment with the Department of Education and Training through PRISMS and informing them of the reason for the cancellation.

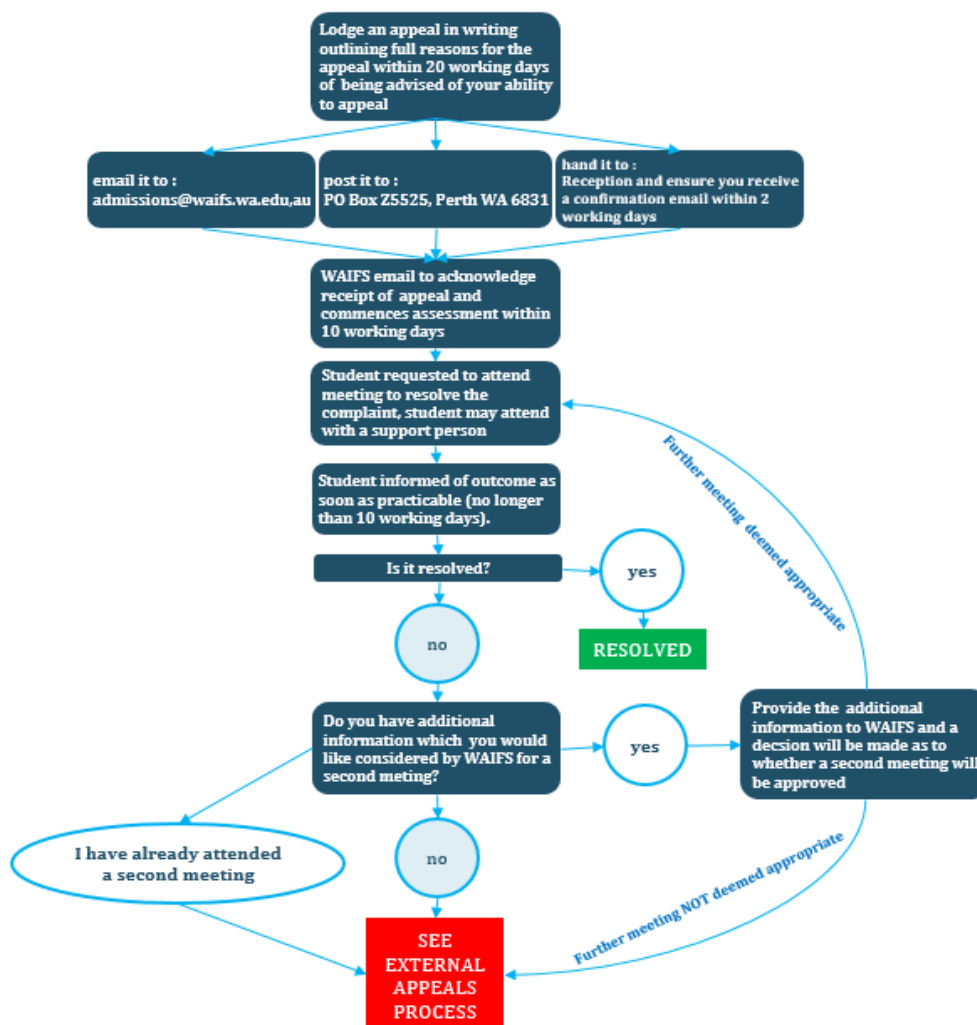
**Overseas Students should note:** Cancellation of an enrolment in this manner does not equate to being released from WAIFS.

To notify WAIFS in writing of your appeal you must either:

- (i) Send an email to [admissions@waifs.wa.edu.au](mailto:admissions@waifs.wa.edu.au) (WAIFS recommends that you request a delivery and/or read receipt for your email), or;
- (ii) Post a letter by registered post to WAIFS address: PO Box Z5525, PERTH WA 6831, or;
- (iii) Submit your notification at WAIFS’ reception in writing. If you choose this option, WAIFS will ensure that an email is sent attaching a scanned copy of your appeal notification to both yourself and the person at WAIFS who is dealing with your appeal. If you do not receive this notification, it is your responsibility to follow this up within 2 working days. *Without this notification from WAIFS, you have no confirmation that WAIFS has received notification of your appeal.*



## Internal Appeals Process



### 8. External Appeals Process

Where an overseas 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 (OSO).

Where a domestic 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 complaint process through the National Training Complaints Hotline.

The hotline will refer you to Skilling Australia. Further information is available at

<https://www.employment.gov.au/national-training-complaints-hotline>

WAIFS will wait 20 working days from the date advised to the student in accordance with Section 7, to be advised by the student, in writing, that the student has accessed the external appeals process with the OSO or Skilling Australia.

To notify WAIFS in writing of an appeal a student must either:

- (i) Send an email to [admissions@waifs.wa.edu.au](mailto:admissions@waifs.wa.edu.au) (WAIFS recommends that a student requests a delivery and/or read receipt for their email), or;
- (ii) Post a letter by registered post to WAIFS address: PO Box Z5525, PERTH WA 6831, or;
- (iii) Submit their notification at WAIFS' reception in writing. If a student chooses this option, WAIFS MUST ensure that an email is sent attaching a scanned copy of the student's appeal notification to both the student and the person at WAIFS who is dealing with the appeal process.
- (iv) See Appendix A for pro forma

If the student does not advise WAIFS in writing within this period, WAIFS will finalise the outcome of the internal appeal process and take such steps as are required in relation to the student's enrolment at WAIFS.



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This may involve cancelling the overseas student’s confirmation of enrolment with the Department of Education and Training through PRISMS and informing them of the reason for the cancellation.

**WAIFS’ staff should note:** Cancellation of an overseas students’ enrolment in this manner does not equate to a being released from WAIFS.

### 9. Decision Made in Student’s Favour (After External Appeals Process completed)

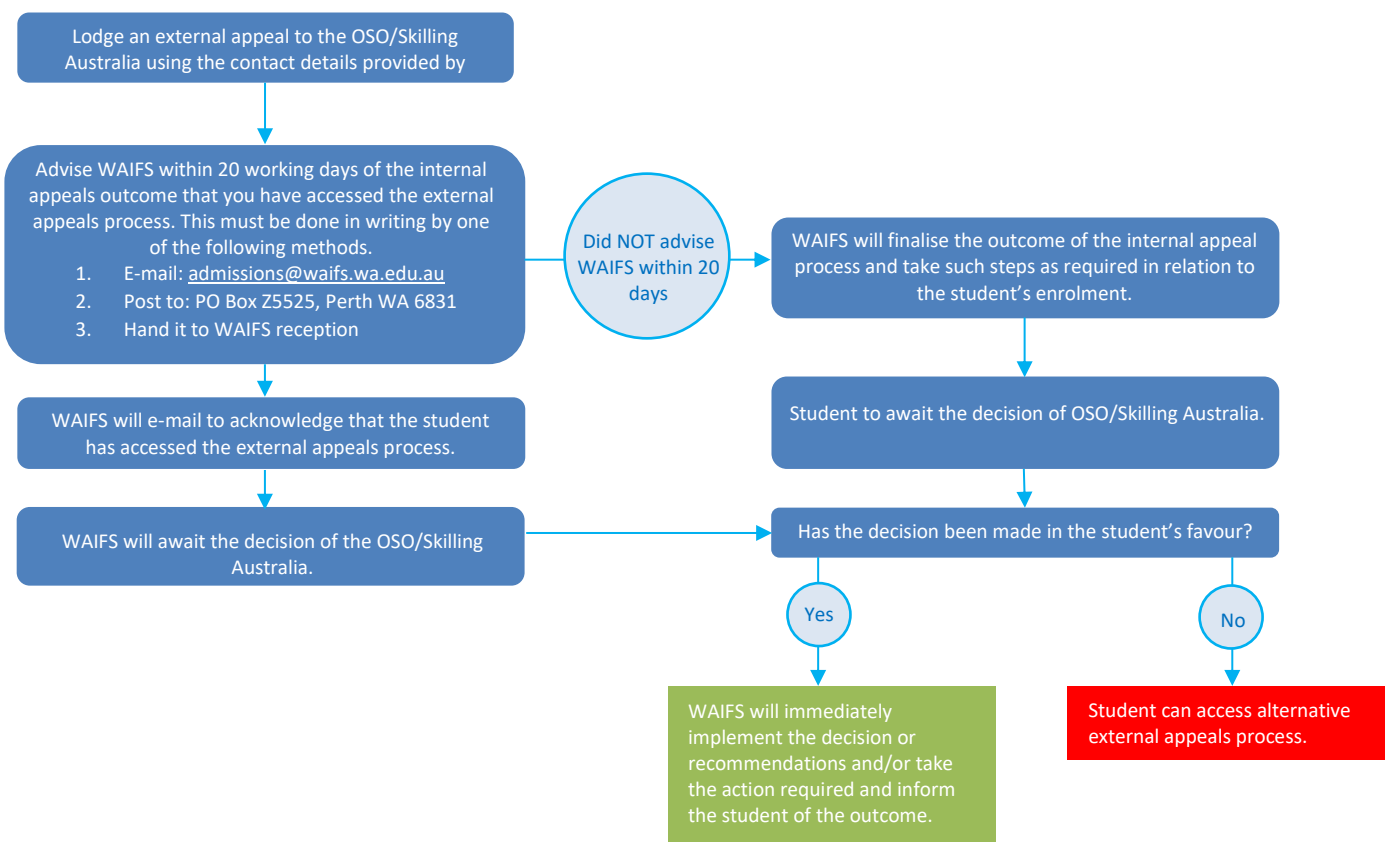
When the external appeals process has been completed and found in favour of the student, WAIFS must immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process, and notify the student of the outcome.

The student will be notified in writing of the outcome by the Head of Administration (or appropriate alternative) of any action that will be taken by WAIFS. The student will also be informed what they need to do (as applicable).

*The student will be notified as soon as is practicable after the decision is notified to WAIFS and no later than 10 working days after the decision has been notified to WAIFS in writing by the OSO or Skilling Australia.*

See Appendix A for an example of the wording to be used.

### External Appeals Process



### 10. Further Appeals (Student not satisfied with outcome of internal and external appeals processes)

If a student is not satisfied with the outcome of either WAIFS’ internal appeals process or the following external appeals process, they can access multiple external appeals. However, WAIFS does not have to assist the overseas student with finding further appropriate appeals processes.

What this means is that WAIFS will finalise a student’s enrolment based on the outcome of the external appeals process with the OSO or Skilling Australia and will not wait for the decision of any future, further appeals, irrespective of who they are with.

If, subsequently, WAIFS is requested to take action as a consequence of a further appeal process post OSO and Skilling Australia external appeal decision, then WAIFS will address this as and when it arises and takes such steps as are necessary to inform the student in writing etc.





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### 11. Can I still attend classes during the appeals process?

Students should note that during the internal complaints and appeal process their enrolment at WAIFS will be maintained wherever possible. WAIFS will decide whether it will continue to offer learning opportunities throughout any appeals process on a case by case basis (responsibility – Head of Administration or suitable alternative).

The exceptions to this are:

- (i) Extenuating circumstances exist (see below), and/or;
- (ii) The student has outstanding fees (which can include late fees and or debt collection fees, as appropriate).

*To clarify, if a student pays all of their course or course-related fees but does not pay their late fees or debt collection fees (which have been raised in accordance with WAIFS fees and finance policy) a student will not be able to attend classes until all of these fees are paid.*

#### 11.1 Extenuating Circumstances:

Extenuating circumstances exist where WAIFS considers that the student's health or wellbeing, or the wellbeing of others, is likely to be at risk. This may include, but is not limited to when the student:

- (i) Refuses to maintain approved care arrangements, if they are under 18 years of age;
- (ii) Is missing;
- (iii) Has medical concerns, severe depression or psychological issues which lead WAIFS to fear for the student's wellbeing;
- (iv) Has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- (v) Is at risk of committing a criminal offence.

Where WAIFS decides to exclude a student from attending classes, WAIFS will consider continuing 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.

Where a decision is made to exclude a student from classes due to extenuating circumstances, WAIFS will maintain a record of the decision (and the reason for it) on the student's file. The student will also be informed of the decision in writing.

A decision not to allow a student to access classes will be made by at least two (2) people at WAIFS. This can be any two (2) people from:

- Chief Executive Officer
- Managing Director
- Head of Studies
- Head of Administration
- Head of Compliance
- Accountant
- Other appropriate manager

*It is not considered appropriate for this decision to be made by a trainer or student support/administration officer. If these staff members have relevant information to be considered, it should be presented to the relevant staff above to consider in their decision-making process.*

### 12. Can an overseas student be reported for misbehavior or non-payment of fees before the external appeals process has been completed?

Yes. Generally, WAIFS may proceed with the deferral, suspension, or cancellation after the internal complaints handling and appeals process has been completed – for example, in cases of student misbehaviour and non-payment.





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The only time WAIFS needs to wait for both the internal and external complaints handling and appeals processes to be completed is for course progress and/or attendance breaches. See Section 12.

### 13. Can an overseas student be reported for poor course progress before the external appeals process has been completed?

WAIFS must only report an overseas student for unsatisfactory course progress in PRISMS after:

- The internal and external complaints processes have been completed and the breach has been upheld, OR;
- The overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period, OR;
- The overseas student has chosen not to access the external complaints and appeals process, OR;
- The overseas student withdraws from the internal or external appeals process, by notifying the registered provider in writing.

See WAIFS policy and procedure on deferring, cancelling or suspending an enrolment.

### 14. Other Relevant Matters

**Paperwork** – All correspondence and decisions must be sent to the student (and a copy to the parent/guardian if the student is under 18). Copies must also be placed on the student’s individual file.

**Victimisation** - All complaints will be handled with fairness in accordance with the principles of natural justice. WAIFS is committed to ensuring that students do not experience any victimisation as a result of making either an informal or formal complaint.

**Natural justice** - The duty to act fairly includes two rules: the fair dealing rule and the no bias rule. This means that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right to be represented by another person. In addition, a decision maker must have no personal interest, beyond the scope of their role in this process and must be unbiased. If the decision maker cannot meet these requirements they must immediately withdraw from the process. The procedure shall have regard to the duration of an overseas student’s stay in Australia.

**Defamation** - Defamation may be defined as the publication or making of false statements about another, which damage that person’s reputation. The defamatory statement must be untrue and also intended to be taken seriously. Its effect must be damaging to the reputation of the complainant. A defamatory statement may be in one of two forms – libel or slander. Libel is a defamatory statement in written words, pictures or other visual form, or broadcast over radio or television with an element of permanence about it. Slander is a defamatory statement in spoken or written words or other transitory form. All parties to a complaint and appeal process should ensure that they limit their discussions to details of the complaint.

**Provision of information to students** - Information on this policy and procedure will be provided to students pre-enrolment, at enrolment, at orientation on the student portal and on the WAIFS website at [www.waifs.wa.edu.au/policies-procedures](http://www.waifs.wa.edu.au/policies-procedures)

**Provision of information to staff** - Information on this policy will be provided to staff at induction and on the WAIFS shared drive. Amendments to the policy will be notified to staff by email.

### 15. Who is the Overseas Students Ombudsman (“OSO”)?

*The OSO is a specialist role of the Commonwealth Ombudsman.* The OSO can investigate complaints about problems that intending, current or former overseas students may have with **private** schools, colleges or universities (education providers) in Australia.



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The Commonwealth Ombudsman:

- Provides a free service
- Is independent and impartial, and does not advocate for the student or the provider—that means the Ombudsman does not take sides
- Can investigate your dispute and may recommend that your provider change a decision or action.

An overseas student can complain about their provider to the OSO if an overseas student believes their provider may not have followed the rules correctly or treated them fairly.

Complaints might be about:

- Refusing admission to a course
- Course fees and refunds
- Course or provider transfers
- Course progress or attendance
- Cancellation of enrolment
- Accommodation or work arranged by your provider
- Incorrect advice given by an education agent.

The OSO can investigate complaints about education agents who have an agreement with a provider to represent them in Australia or overseas.

An overseas student can also complain if a provider has failed to take action or is taking too long to take some action. This might include, failing to provide the overseas student results in the normal timeframe, or failing to provide services included in the overseas student's written agreement with the provider.

An overseas student can complain about something which happened in the past, but the Ombudsman may decide not to investigate a complaint if a student has known about the problem for more than 12 months.

### 16. Who can you complain to the Overseas Students Ombudsman?

Intending, current and former overseas students can contact the Ombudsman about an action or decision taken by their private registered education provider in Australia. The services of the OSO are free. *See Section 17 below for contact details.*

Family or friends of overseas students, who are concerned about a problem an overseas student is having with a private provider, can also contact the Ombudsman.

If an overseas student wishes to permit another person to act on their behalf with the OSO, they can. A form will need to be completed: [www.ombudsman.gov.au/data/assets/pdf\\_file/0019/41095/Permission-for-another-person-to-act-on-my-behalf.pdf](http://www.ombudsman.gov.au/data/assets/pdf_file/0019/41095/Permission-for-another-person-to-act-on-my-behalf.pdf)

The Overseas Students Ombudsman does not handle complaints about the quality of a student's education provider. For example:

- The qualifications and experience of a student's teachers
- The quality of the teaching in a student's course
- The resources at a student's school, college or university, for example: equipment, library resources
- The building, class room and amount of space available for a student's course
- Issues concerning the relocation of a student's school, college or university campus

### 17. How to contact the Overseas Student Ombudsman?

- a) **Web:** [www.ombudsman.gov.au/about/overseas-students](http://www.ombudsman.gov.au/about/overseas-students)

You can make your complaint online by using their [online complaint form](http://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form) at [forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form](http://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form)



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- b) **Email:** [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)
- c) **Telephone:** You can contact them by telephone, 9am to 5pm Monday to Friday, Australian Eastern Standard Time (AEST).
- In Australia, call: 1300 362 072 (calls from mobile phones at mobile phone rates).
  - Outside Australia, call +61 2 6276 0111.
- d) **Using an interpreter:** You can make a complaint in your language. Call the Translating and Interpreting Service (TIS) in Australia on 131 450, outside Australia call +61 3 9203 4027. The OSO will pay for the interpreter.
- e) **If you are deaf, hearing or sight impaired:** You can contact the OSO via the National Relay Service. Teletypewriter (TTY) users phone 133 677 and then ask for 1300 362 072.
- Speak and Listen users phone 1300 555 727 and then ask for 1300 362 072.
  - Internet Relay users connect to the National Relay Service [internet-relay.nrs.call.gov.au](http://internet-relay.nrs.call.gov.au) and then ask for 1300 362 072
- f) **Fax:** You can send OSO a fax. In Australia: 02 6276 0123. Outside Australia: +61 2 6276 0123.
- g) **Mail:** You can write a letter and post it to:
- Overseas Students Ombudsman  
GPO Box 442  
Canberra ACT 2601  
AUSTRALIA

### 18. Who is Skilling Australia/National Training Complaints Hotline?

The National Training Complaints Hotline is a joint initiative between the Commonwealth, state and territory governments.

The National Training Complaints Hotline uses the services of the Translating and Interpreting Service and National Relay Service.

### 19. Who can make a complaint to Skilling Australia/National Training Complaints Hotline?

Anyone with a complaint or query about the training sector can call, so they can report a complaint and have it referred to the right authority for consideration.

### 20. How can you contact Skilling Australia/Training Complaint Hotline?

Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73 – Please select option 4.
- Email: Complete the [Complaint Template](#) and return it to [NTCH@employment.gov.au](mailto:NTCH@employment.gov.au). This will enable Skilling Australia to assess your complaint and refer it to the correct authority/ies for consideration. If you are making a complaint on behalf of someone else (either an individual or a group) you will also need to complete the [Verification of Consent](#) form and return it with the completed complaint template.

**APPENDIX A IS FOR WAIFS STAFF USE ONLY AND IS NOT MADE AVAILABLE PUBLICLY.**