

# International Complaints and Appeals Policy

## Purpose

This policy ensures international students have a fair, inexpensive complaints and appeals process for the resolution of any type of dispute that includes access to an independent external body if necessary. KCA Education (KCA) must make prompt decisions as a student’s visa will restrict his or her length of stay in Australia.

## Scope

This policy covers all issues pertaining to any formal or informal complaints that may be received by international students studying at any KCA campus location.

## Responsibility

| Responsibility (R) | Accountability (A)               | Consult (C)             | Inform (I)        |
|--------------------|----------------------------------|-------------------------|-------------------|
| Operations Manager | Director International Education | Chief Executive Officer | Quality Assurance |

## Applicable Legislation/Contracts

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- ESOS Act
- VET Quality Framework – National Standards for RTO and AQF

## Related Policies/Procedures

- QMSP004: Formalisation of Enrolment and Written Agreement Policy V3
- QMSF003: Letter of offer and acceptance V3

## Reference

### National Code: Standard 10- Complaints and Appeals.

The registered provider must have and implement a documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.

The registered provider’s internal complaints handling and appeals process must:

- include a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally
- include that the provider will respond to any complaint or appeal the overseas 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 overseas student’s course or related services
- commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the registered provider’s complaints handling and appeals process and policy, and finalise the outcome as soon as practicable
- ensure the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings
- conduct the assessment of the complaint or appeal in a professional, fair and transparent manner

- ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
- keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.

If the overseas student is not successful in the registered provider's internal complaints handling and appeals process, the registered provider must advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at minimal or no cost. The registered provider must give the overseas student the contact details of the appropriate complaints handling and external appeals body.

If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.

## Policy

The policy describes the requirements for who wish to submit a formal or information compliant when they are they are dissatisfied with a service offered or treatment received at KCA. This may include KCA's services and activities, for example, our application and enrolment process, marketing information, the quality of training and assessment we provide, training and assessment matters, including student progress, student support and assessment requirements, or the way someone has been treated and the actions of another student. An appeal is made when you disagree with an assessment result decision made by KCA.

KCA invites students to make complaints and appeals as needed. Complaints and appeals are seen as an opportunity to identify potential causes of the complaint or appeal and to then take action to prevent the issues from recurring as well as identifying any areas for improvement. If you make a complaint or appeal:

- The complaint or appeal will be dealt with promptly; the actual length of time involved may vary in accordance with the complexities of the case. Under normal circumstances, you can expect a written response within 10 working days
- You will have the opportunity to present your case at each stage of the procedure
- You have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor)
- You will not be discriminated against or victimised

KCA is committed to a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. This means that all complaints and appeals are responded to in a consistent and transparent manner, promptly, objectively, with sensitivity and confidentiality. There is also no cost to students.

### Before an Issue Becomes a Formal Complaint or Appeal

If you have a complaint, you are encouraged, wherever possible, to resolve concerns or difficulties informally with the person(s) concerned. There are staff available to assist the resolution of issues at this level. You can raise an informal complaint by contacting the Campus Support Officer in person or by phoning 1300 854 011. Please note that it is not mandatory to raise a complaint informally.

In the event of an assessment being deemed Not Yet Competent, you have two opportunities to correct and resubmit your assessments. You should, wherever possible, try to resolve concerns or difficulties with your VET Teacher at this time. You may raise an informal appeal, prior to receiving a final assessment result, by contacting Campus Support in person or by phoning 1300 854 011.

## Formal Complaints and Appeals Procedure

If you wish to make a complaint or appeal you should do so **within five (5) working days** of the incident occurring or the original decision is being made. Your complaint or appeal should be in writing using the Complaints and Appeals Form.

KCA will maintain the student's enrolment while the complaints and appeals process is ongoing. This does not necessarily mean that a student will remain in class.

KCA has in place arrangements for an independent external person or organisation to hear the complaints or appeals where the RTO's internal process has been completed and the student remains dissatisfied.

The student will be granted immediate access to the RTO complaints and appeals process. The process must begin within **10 working days of the formal lodgement of the complaint or appeal**.

KCA's documented internal complaints and appeals process must include provision of a written statement of the outcome including details and reasons for the decision.

If the outcome of a student's appeal through KCA's internal or external complaints and appeals handling process is favourable to the student, KCA will immediately advise the student of this and implement any decision and/or corrective and preventive action required.

The **process must begin within 10 days of receipt of the formal complaint**. It must be completed within a reasonable timeframe which takes into consideration the length of a student's visa and the student's enrolment in future subjects and/or courses.

The complaints and appeal process must give the student the opportunity to:

- formally present his or her case; and
- be accompanied or assisted by a support person.

Until the complaints and appeals process is completed, KCA must maintain the enrolment of the student. To 'maintain the student's enrolment' means the KCA will not notify DET of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

KCA aims to resolve all complaints received in an informal manner to avoid unnecessary stress and disruption to the student and the college.

However, if a complaint is unable to be resolved on an informal level the student is required to present to the KCA on a **written complaint within 5 business days of the incident**. The written complaint will then be acknowledged by KCA within 5 business days with an outline of the process to be followed and an estimated timeframe for resolving the complaint. Any expected delay is required to be explained. Should a delay be encountered once the complaint handling process has been commenced, this is required to be advised in writing with a revised period. **Review of the complaint will begin within 10 business days of KCA receiving the formal written lodgment of the complaint.**

- Complainants can represent themselves, and there are no fees for accessing the grievances and complaints procedures.
- Complainants may be assisted and supported by another person at any meetings.

A written statement of the outcome, including details and reasons for the decision will be provided to the student. KCA will immediately advise the student and implement any decision in the event of any favourable outcome to the student.

KCA will maintain the student's enrolment while the internal and external complaints and appeals process is ongoing if there is a threat that the student will be deported. However, if there is no threat that the student will be deported enrolment may only be maintained during the internal process (enrolment during the external process will be at the KCAs discretion).

This policy advises that students are able to access the KCA's Appeals process within 20 working days of the outcome of the complaint. If after the internal appeals process has been conducted, the student is still unsatisfied with the

result they may appeal to the Overseas Students Ombudsman (OSO). This service is free of charge. Further details can be found at: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

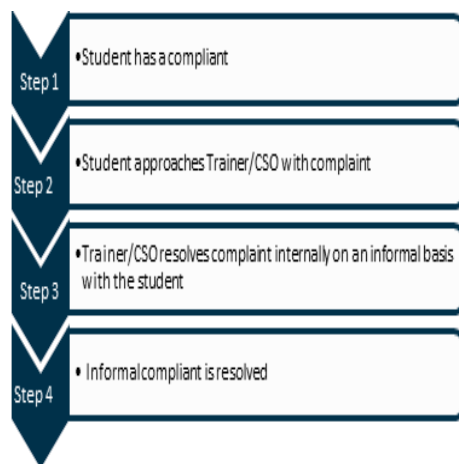
As per Standard 10.3 of the National Code there is no cost for accessing this process. The outcome of the external appeals process will be final and accepted by both parties.

KCA will provide complete cooperation with any independent mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process. The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

If a student withdraws from a course the ESOS Act requires that KCA advise the Department of Education and Training (DET) through PRISMS within 14 days. This information is transmitted to the Department of Home Affairs (DoHA) and has implications for the student’s visa. If a student transfers to another provider, any refunds of course fees paid to the KCA will be in accordance with the KCA’s refund policy.

## Summary of Complaint Procedures

### Informal Complaint Flow Chart



### Formal Complaint Flow Chart



## Appeals

If you feel that KCA's decision to report or suspend you is unfair, you have a right to ask for an internal appeal of the decision. Your request for an internal appeal must be based on the way in which the decision was reached by KCA, and include:

- The grounds for the appeal;
- A statement on the circumstances that you believe affected your attendance rate; and
- Any supporting documentation.

If you are asking for an internal appeal, it must be made in writing, and submitted within 5 business days of receiving the Notice of Intent to Report. To obtain the relevant form please make contact with the International Campus Support Officer.

KCA will then consider the matter and respond to you within 20 business days. You will still be enrolled with KCA during the internal appeal process.

## External Appeals

If you are still dissatisfied with the decision, you may have the right to take the matter to the Overseas Student Ombudsman (OSO) for an external appeal.

Evidence of your submission to the OSO must be provided to KCA within 5 days of the internal appeal decision notice. If you do not provide evidence of your external appeal you will be withdrawn from KCA, and your withdrawal will be reported to the Department of Home Affairs (DoHA).

You will still be enrolled with KCA during the external appeal process and until such time that a decision has been made.

## External Parties

### Overseas Students Ombudsman (OSO)

The Overseas Students Ombudsman (OSO) investigates complaints about problems that overseas students have with private education and training institutions in Australia. The Ombudsman's services are free, independent and impartial. You can find out more about this service on their website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au).

### National Complaints Hotline

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.
- For more information about the National Complaints Hotline, refer to the following webpage: <https://www.education.gov.au/NTCH>

### Australian Skills Quality Authority (ASQA):

Complainants may also complain to KCA's registering body: Australian Skills Quality Authority (ASQA).

However, ASQA's will only use the information you provide to inform its regulatory approach and will not contact us on your behalf or act as your advocate. For more information, refer to the following webpage:

<https://www.asqa.gov.au/complaints>

Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.