

Policy Name: Complaints and Appeals Policy

Last Reviewed: April 2020

Approved By: Director, Language Links

Applicable Legislation: ESOS Act – Including the National Code and ELICOS Standards 2018, National RTO (VET) Standards

Related Policies/documents:

- Academic Policy (Including 'Award Course Enrolment' Policy)
- Code of Conduct
- Attendance Policy
- Enrolment Policy
- Transfer Policy
- Deferral, Suspension and Cancellation Policy (Including Refund Policy)

Related forms/documents:

- Complaints and Appeals form
- Complaints and Appeals (Grievance) Flowchart Poster
- Student File Note
- Complaints Register
- Cancellation/Refund Form
- Course Progress Report Form
- Student Handbook 2018/2019

### **Policy Statement**

Language Links International has in place an internal complaints handling and appeals process that is fair, impartial and accessible. A professional, timely and documented policy and process is in place for handling internal complaints, grievances and appeals. Every effort is made by the college to resolve student/client grievances with access to a range of support staff and qualified Academics, the college also provides an avenue for students to appeal (internally and externally) against decisions, which may affect the student's progress, results, study goals or well-being.

The appeals process has internal avenues as well as arrangements with an independent, external body (Overseas Students Ombudsman) to hear any concerns arising from internal complaints and appeals. This procedure outlines the processes for customer complaints and disputes resolution together with processes for appeals. It applies to all complaints, and arising appeals, for both staff and students of Language Links irrespective of the basis.

To ensure the Complaints and Appeals Policy and Procedures for students at LL are clear, they are outlined in the 'Student Handbook', 'Enrolment Terms and Conditions' documentation, college Website, and in flyers/posters in classrooms and on general college notice boards. All staff (academic and administrative) are required to familiarize themselves with the policy and procedures so they may be in

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a position to advise our students accordingly.

## Definitions

**Complaint** – An expression of dissatisfaction about the standard of service provided by the college.

- Informal complaint – refers to an unofficial complaint
- Formal complaint – refers to an official complaint

**Appeal** – A request to overturn a decision made by the college. It includes the following issues but not limited to:

- Outcome of assessment marks
- Refusal of leave of absence/release letter/refund
- Intention to Report (ITR) for unsatisfactory attendance/course progress/non-payment/misbehavior.

**Resolution** – Plans to resolve feedback concerns put in place and agreed by Feedback provider.

**Overseas Students Ombudsman (OSO)** – OSO investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The legal basis for the Ombudsman role is the *Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011*, passed by the Australian Parliament on 21 March 2011. (Source: OSO website)

## Details of the process

1. If a matter cannot be resolved informally, Language Links has in place a process for lodging a formal complaint or appeal.
  2. A written record of the complaint or appeal will be kept.
  3. Internal complaints or appeals can be made at no cost to the student.
  4. Students may be accompanied and assisted by a support person at any relevant meetings – Underage students are required to bring a parent/guardian or nominated career/support person to all formal meetings.
  5. Students will be provided with a written statement of the outcome, including details of the reasons for the outcome.
  6. The process will commence within 10 working days of the formal lodgment of the complaint or appeal providing all supporting information has been provided.
  7. All reasonable measures will be taken to ensure the process is finalised as soon as possible.
  8. If a student is not satisfied with the result or conduct of an internal complaint or appeal, he/she can lodge external appeal with the Overseas Students Ombudsman. This service is free of charge for the student.
  9. Language Links will maintain the student's enrolment while the complaints and appeals process is ongoing.
  10. If an internal or external complaint handling or appeal process results in a decision that supports the student, Language Links will immediately implement any decision and/or corrective
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and preventative action required and advise the student of the outcome.

11. A simplified flowchart of the procedure is available for students in the **Student Handbook** and a copy is available on all notice boards in classrooms and common areas.

## Procedures for resolution

### Informal Resolution

1. Students and Staff are encouraged to discuss the issue or concern directly with the person it concerns
2. Consult, in confidence, with any one of the following people (or request one of them to be a nominated support person or mediator if required):
  - Teacher
  - Student Services Officer
  - Academic Manager
  - Senior Teacher
  - Senior Admin Manager
  - Any other member of staff that the person feels comfortable talking to

This staff member shall:

- Discuss the details of the complaint or problem
- Discuss the options available for resolution given the nature of the complaint
- Help to obtain any necessary information
- Assist in dealing with the problem if this seems appropriate
- Refer and/or accompany the complainant(s) to another person listed above if they do not believe themselves competent or the most appropriate person to assist the complainant(s), or to the Academic Manager if it considered that the involvement of an external agency/body is warranted.

This person's role is to provide assistance and *informal* advice on the ways in which the problem might be resolved and not to direct the person in a particular way or to act on that person's behalf.

3. Where it has not been possible to resolve the complaint informally, the complainant(s), together with the person assisting, may seek the advice and assistance of the Student Support Staff.

*Procedures for resolution continued.*

4. The Student Support Staff will take appropriate steps to resolve the matter informally to the satisfaction of the complainant(s).
  5. The complaint will be discussed only with those involved in the resolution (with the names of those parties involved kept in confidence) with an action plan being formed to prevent subsequent occurrences where appropriate, as determined by the resolution group.
  6. A nominee of the student may be included at any stage of the informal resolution processes if the student requires one
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## Formal Resolution

Where a complaint cannot be resolved informally, or a student is lodging an appeal against the decision made by Language Links – for example to report the student to the Department of Home Affairs (DOHA) for a breach of Student Visa conditions, the following process applies:

1. Formal complaints and appeals must be made in writing.
2. Complaints and Appeals forms can be collected from the Front Desk/Reception
3. Any documentary supporting evidence should be attached to the formal written complaint or appeal.
4. Formal complaints and appeals may be lodged at reception, posted by mail directly to the College's physical address or emailed to [studentsupport@languagelinks.wa.edu.au](mailto:studentsupport@languagelinks.wa.edu.au)
5. If lodging an appeal against a decision by Language Links, the appeal must be made within 20 working days from receipt of the initial decision being made.
6. The staff investigation and appeal hearing will commence within 10 working days of the receipt of any written appeals against the decision of Language Links.
7. The student will be given an opportunity to attend an interview with a senior staff member (Academic Manager or Operations Manager) to formally present his or her case.
8. A nominee of the student may be included at any stage of formal resolution processes and for underage students it is a requirement to have a parent/guardian or nominated carer/support person present for all formal meetings/discussions.
9. Staff will consider the information and supporting evidence provided by the student, notes in student management system eBecas, and may contact the student if further information is required.
10. The student will be given a written statement of the outcomes, including reasons for the decision within 5 working days of the final decision being made.
11. If the appeal is granted, the student will continue with normal classes subject to any agreed intervention strategy, or any other condition determined during the review/hearing.

*Formal resolution continued...*

12. If the appeal is rejected, and the student is not satisfied with the result or the conduct of the complaint/appeal they can seek external arbitration.
13. If accessing external arbitration the student must do so within 15 working days from the date of the letter in response to the appeal to access the external appeals body and must notify the college that they are utilising this service in order for the enrolment to be maintained during this period. The appeal/complaint can be lodged online via a complaint form accessible from [www.oso.gov.au](http://www.oso.gov.au)
14. Details of the external appeals body, Overseas Students Ombudsman are provided to the student as per below:

**Overseas Students Ombudsman**  
GPO Box 442  
Canberra ACT 2601  
AUSTRALIA  
Ph: 1300 362 072

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15. The student's enrolment will be maintained throughout the internal and external complaints and appeals process and the student should continue to attend classes.
  16. The student will be advised that the external appeals body doesn't make a decision for the institution. The purpose of external appeal is to consider whether Language Links followed set policies and procedures to arrive at its decision.
  17. Language Links will immediately implement any decision advice or corrective/preventative action required as a result of an internal or external complaint and appeal and advise the student of the outcome in writing.
  18. If the appeal is granted, the student will continue with normal classes subject to any agreed intervention strategy, or any other condition imposed by the review committee.
  19. The cost of external mediation with Overseas Students Ombudsman is free of charge.
  20. Freedom of Information and Privacy issues will be considered and adhered to at all times and throughout the process.
  21. The original written complaint together with a copy of the acknowledgement and any responses or correspondence related to the complaint is retained in the student's file /eBecas diary record.
  22. Student Services Staff will record the complaint and its resolution in the Complaints Register.
  23. If any complaint is found to be substantiated then the complaint is recorded (using the complaints register) and discussed in the next management meeting, an action plan is formed and relevant actions taken to prevent subsequent occurrences where appropriate, as determined by management.
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