

International Students

Complaints and Appeals Policy

Policy

Kennedy Baptist College is committed to developing and maintaining positive relationships with all members of the College community and to the timely resolution of complaints and / or appeals. Complaints and appeals by international students will be treated seriously and addressed professionally, and impartially, applying principles of confidentiality and procedural fairness.

Purpose

The purpose of this policy is to ensure compliance with *Standard 10 – Complaints and Appeals* of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*.

Scope

This policy applies to all staff, international students, and their parents / guardians for the duration of their enrolment at Kennedy Baptist College.

Definitions

Term	Definition
Complaint	An implied or expressed statement of dissatisfaction where a response is sought, reasonable to expect or legally required.
Procedural fairness	Procedural fairness refers to the common law duty to observe procedural fairness when a decision is made that affect's a person's rights, interests, or legitimate expectations in a direct or immediate way. When a decision is made which will deprive a person of some right or interest or the legitimate expectation of a benefit, they are entitled to know the case sought to be made against them and be given an opportunity of replying to it. Rules of procedural fairness require: <ul style="list-style-type: none"> • A hearing appropriate to the circumstances. • Lack of bias. • Evidence to support a decision. • Inquiry into matters in dispute.
Working day	Any day during term time, other than a Saturday, Sunday, or a public holiday.

Complaints not Covered by this Policy

- Any complaint relating to harm or potential harm of an international student must be dealt with by the College in accordance with the *Staff Misconduct and Reportable Conduct Policy*.
- Complaints raised by a student against another student will be dealt with in accordance with the *Behaviour Management Policy*. E.g., bullying and harassment.
- Student-initiated cancellation of enrolment due to a student complaint, including inactive cancellation of enrolment is not covered by this policy. Refer to the *Deferment, Suspension or Cancellation of Study Policy*.

Types of Complaints and Appeals Covered by this Policy

Students have the rights to lodge an appeal or complaint, where:

- A student's request to defer their commencement of studies is not approved.
- An application to transfer between education providers is not approved.
- A student's request to suspend studies is not approved.
- The College initiates suspension and cancellation of a student's enrolment.
- The College has not approved the student's request for a refund of fees.
- The College has notified a student of their intention to report a breach of the student's visa conditions (*Visa Condition 8202 – Unsatisfactory Course Progress and Attendance*).
- The College intends to terminate a student under the age of 18's approved accommodation and welfare arrangements.

Informal Resolution

As a first step in the resolution process, the College will attempt to informally resolve a complaint through meetings, discussions and / or mediation.

If the matter cannot be resolved informally through mediation, the matter will be referred to the Principal and the College's formal internal *International Students Complaints and Appeals Process* will be followed. The complaints and appeals process are conducted at no cost to the student or their parents / guardians.

Principles

The College's internal complaints and appeals process will:

1. Respond to any complaint or appeal an international student makes about the College or any agent the College engages.

2. The College's internal *International Student Complaints and Appeals Process* is conciliatory in nature.
3. Complaints and appeals will be treated seriously, sensitively, and impartially and managed in a professional, fair, and transparent manner.
4. Complaints and appeals procedures are based on the principles of procedural fairness.
5. All complaints and appeals will remain confidential in accordance with the *Privacy Act*.
6. Ensure the international student has an opportunity to present their case and be accompanied by a support person, if necessary.
7. Give the international student a written statement of the outcome of the complaint or appeal, including the reasons for the outcome, and keep a written record of complaints and appeals on the student's record.
8. Give international students the contact details of the external complaints handling and appeals body, the *Overseas Students Ombudsman*.

Process Timeline and Outcomes

1. The internal *International Students Complaints and Appeals Process* will commence within 10 working days of the international student lodging a formal complaint or appeal and will be resolved as soon as practicable.
2. If the outcome of a complaint or appeal is in favour of the student, the College will immediately implement the decision and any corrective and preventative action required.
3. Where the outcome of a complaint or appeal is not in the student's favour, the College will advise the student within 10 working days of concluding the internal *International Students Complaints and Appeals Process* of the student's rights to access an external appeals process.
4. Where the internal *International Students Complaints and Appeals Process* is being initiated because the student has received notice by the College that the College intends to report them for a breach of visa conditions, including for one or more of the following:
 - a. Unsatisfactory course attendance.
 - b. Unsatisfactory course progress; or
 - c. Suspension or cancellation of enrolment.
5. The student has 20 working days from the date of receipt of notification in which to lodge a written appeal.
6. The College may take action in accordance with the outcome of the internal appeal (including making changes to the student's enrolment status in PRISMS). However, the College is only required to wait for the outcome of an

external appeal if the matter relates to a breach of course progress or attendance requirements.

External Complaints and Appeals Process

The availability of internal complaints and appeals processes does not remove the right of the student and their parents / guardians to take action under the *Australian Competition and Consumer Commission* or the *Commonwealth Ombudsman*.

The purpose of the external appeals process is to consider whether the College has followed its policies and procedures and the way in which the internal *International Students Complaint and Appeal Process* was conducted.

If the student is not satisfied with the outcome of their complaint or appeal, they may contact the *Overseas Students Ombudsman* at no cost.

The *Overseas Student Ombudsman* provides a free, independent, and impartial service for international students who have a complaint or want to lodge an external appeal about a decision made by their education provider.

The Overseas Students Ombudsman can be contacted on **1300 362 072** or a complaint may be made online at:

<https://www.ombudsman.gov.au/complaints/international-student-complaints>

If the student wishes to appeal a decision made by the College that relates to being reported for a breach of *Visa Condition 8202 – Unsatisfactory Course Progress and Attendance*, the student must lodge this appeal with the Overseas Student Ombudsman's office within 10 working days of being notified of the outcome of their internal appeal.

If the student is still not satisfied with the outcome of either the College's internal *International Students Appeals Process* or the external appeals process, they are welcome to access external legal services. However, the College is not obliged to assist the student with finding further appropriate appeals processes.

Related Documentation

- *International Students Complaints and Appeals Process*
- *Appeal Form – International Students*
- *Complaint Handling Procedure*

Version control					
Version	Amendments	Date Reviewed	Endorsed by Board	Next Review	Author of version
1		13/09/2019	13/09/2019	09/2021	
2	Updated	03/12/2020		09/2021	
3	Updated	24/08/2021	24/11/2021	08/2023	
4	Updated	09/06/2022		08/2023	C Acciano
5	Amended policy statement, scope, definitions, replace Formal Internal Complaints and Appeals process with Principles, deletion of Complaints Handling and Appeals Procedures (a new International Students Complaints and Appeals Process document has been developed), replace Other Legal Avenues with External Complaints and Appeals Process – amendments to this section.	27/11/2023	15/05/2024	08/2025	C Acciano