

International Students

Complaints And Appeals Policy

1. 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 any complaint and appeal that may arise. Complaints and appeals will be treated seriously and addressed professionally, competently and impartially, applying principles of confidentiality and procedural fairness.

2. 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*.

3. Scope

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

Students and their parents/guardians must read this Policy in conjunction with the College *Complaints Handling Policy and Procedures* available on the College website: <https://www.kennedy.wa.edu.au/contact/complaints-handling-policy-and-procedures/>.

Staff must read this Policy in conjunction with the College *Complaints Handling Policy and Procedures* available on CompliSpace: <https://kennedy.cspace.net.au/ComplaintsHandling>.

4. Definitions

Natural justice or **procedural fairness** refers to the common law duty to observe procedural fairness or natural justice when a decision is made that affects 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 to be given an opportunity of replying to it.

Support person is a person, for example, a friend / teacher / relative not involved in the complaint.

Working day is any day during term time, other than a Saturday, Sunday or a public holiday.

5. 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 *Child Safety Complaints or Allegations Procedure* and *Managing Child Safety Complaints or Allegations procedure*.
- Complaints raised by a student against another student will be dealt with in accordance with the *Behaviour Management Policies*.
- Student-initiated cancellation of enrolment, including inactive cancellation of enrolment is not covered by this Policy. Refer to 6.3 in the *Deferment, Suspension or Cancellation of Study Policy*.

6. Complaints Covered by this Policy

Reasons for students to access the *Internal Complaints and Appeals Process* include, where:

- A student's request to defer their commencement of studies is refused, the student has a right to appeal the decision.
- A student's request to suspend studies is refused, the student has a right to appeal the decision.
- The College initiated suspension and cancellation of a student's enrolment.
- Parents/guardians are dissatisfied with a decision to provide or not to provide a refund of fees, they have a right to appeal the decision.
- A student has been notified of the College's intention to report a breach of *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.

The College will respond to any complaint or appeal the student makes regarding their dealings with the College or any related party the College has an arrangement with to deliver the student's course or related services.

7. Informal Complaints Resolution

For reasons other than listed above, the College requests that, in the first instance, there be a genuine attempt to informally resolve the complaint through meetings, discussions or mediation.

Students are encouraged to speak directly with the person concerned if they feel comfortable in doing so. Students may ask a Teacher, Head of Year, College Counsellor or College Chaplain to support them during this process.

If the matter cannot be resolved informally through mediation, the matter will be referred to the Principal and the College's formal Internal Complaints and Appeals Process will be followed.

8. Formal Internal Complaints and Appeals Process

8.1 Principles

The College's Internal Complaints and Appeals Process is based on the following principles:

- The Internal Complaints and Appeals Processes are conciliatory and non-legal in nature.
- Complaints and appeals will be heard by the College in a timely manner and offered free of charge.
- Complaints and appeals will be treated seriously, sensitively and impartially and dealt with in a professional, fair and transparent manner.
- Complaints and appeals procedures are based on the principles of ***natural justice***.
- Students will be encouraged to use the complaints and appeals process and can be confident that there will be no reprisal.
- Confidentiality will be strictly observed by all participants at all stages of the complaints and appeals process.

8.2 Complaints Handling and Appeals Procedures

The Internal Complaints and Appeals Process is confidential, and any complaints or appeals are a matter between the parties concerned and those directly involved in the complaints handling process.

8.2.1 The student must notify the Principal in writing of the nature and details of the complaint or appeal by:

- Email at mashby@kennedy.wa.edu.au; or
- Accessing the online student complaint form available on the College website at:
<https://www.kennedy.wa.edu.au/contact/complaints-handling-policy-and-procedures/>.

8.2.2 Where the Internal Complaints and Appeals Process is being accessed because the student has received notice by the College that the College intends to report them for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student has 20 working days from the date of receipt of notification in which to lodge a written appeal.

8.2.3 The Complaints and Appeals Processes are available to students at no cost.

8.2.4 Should the Principal request a meeting, each complainant will have the opportunity to present their case.

- 8.2.5 Students may be accompanied and assisted by a support person at all relevant meetings.
- 8.2.6 The formal Complaints and Appeals Process will commence within five (5) working days of the student lodging a written complaint or appeal and will be resolved as soon as practicable or within 30 working days.
- 8.2.7 For the duration of the Internal Complaints and Appeals Process, the student's enrolment will be maintained, and the student must continue to attend classes.
- 8.2.8 However, if the Principal deems that the student's health or well-being, or the well-being of others is at risk, the Principal may decide to suspend or cancel the student's enrolment before the Complaints and Appeals Process has been accessed or fully completed. In such cases, the student may still lodge a complaint or appeal, even if the student is offshore.
- 8.2.9 Once the Principal has come to a decision regarding the complaint or appeal, the student will be informed in writing of the outcome and the reasons for the outcome.
- 8.2.10 The decision of the Principal, in conjunction with the College Board, will be the final avenue of internal appeal within the College.
- 8.2.11 A complete record of the complaint or appeal will be retained on the student's file.
- 8.2.12 If the Complaints and Appeals Process finds in favour of the student, the College will immediately implement the decision and any corrective and preventative action required and advise the student, in writing, of the outcome and action taken.
- 8.2.13 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 Complaints and Appeals Process of the student's rights to access the External Appeals Process (refer section 9).
- 8.2.14 The College may take action (including making changes to the student's enrolment status in PRISMS) in accordance with the outcome of the internal appeal. 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.

9. External Complaints and Appeals Process

- 9.1 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.

Contact the Overseas Students Ombudsman on 1300 362 072 or refer to their website for more information:

<https://www.ombudsman.gov.au/How-we-can-help/overseas-students>.

- 9.2 In most cases, 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 Complaint and Appeal Process was conducted, rather than make a decision in place of the College.
- 9.3 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.
- 9.4 If the student wishes to appeal a decision made by the College that relates to:
- Refusal to approve a transfer application; or
 - Suspension or cancellation of the student's enrolment,
- any choice to lodge an external appeal with the Overseas Student Ombudsman is at the student's discretion.
- 9.5 Except for course progress and/or course attendance breaches, the College is not required to wait for the outcome of any External Appeals Process, before implementing the outcome of the internal appeal.
- 9.6 The College will only report a student for unsatisfactory course progress or attendance in PRISMS after:
- The Internal and External Complaints and Appeals Processes have been completed and resulted in a decision supporting the College;
 - The student has chosen not to access the Internal Complaints and Appeals Process within the 20-working day period;
 - The student has chosen not to access the External Complaints and Appeals Process; or
 - The student withdraws from the Internal or External Appeals Process by notifying the College in writing.
- 9.7 When the External Appeals Process has been completed, the College must immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the External Complaints or Appeals Process and notify the student of the outcome.

10. Other Legal Avenues

The availability of complaints and appeals processes does not remove the right of the student and their parents/guardians to take action under Australia's consumer protection laws.

Nothing in the *International Students Complaints and Appeals Policy* negates the right of an international student to pursue other legal remedies.

If the student is not satisfied with the outcome of either the College's Internal Appeals Process or the External Appeals Process, they are welcome to access multiple external appeals. However, the College does not have to assist the student with finding further appropriate appeals processes.

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