

Complaints and Appeals

Policy and Procedure

Complaints and Appeals Policy and Procedure

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29/07/2016	New Policy	01/01/2018
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Purpose and Scope

The purpose of this document is to ensure that all staff are aware of the Complaints and Appeals Policy and Procedures for dealing with a student grievance.

Hawthorn-Melbourne recognises the importance of providing students with a fair, open and confidential complaints and appeals process.

This document has been developed in accordance with Standard 10 – Complaints and Appeals of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the National Code 2018). Under the terms of this legislation, 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.

Policy Statement

Hawthorn-Melbourne Complaints and Appeals processes:

- give students a voice
- negotiate realistic outcomes
- solve students' problems where possible
- lead to improvements in our services

The principles underlying Hawthorn-Melbourne complaints and appeals processes are:

- equality
- fairness
- openness
- respect
- confidentiality
- timeliness

Hawthorn-Melbourne Complaints and Appeals include:

- Informal Discussion
- Internal Complaints
- Internal Appeals
- External Appeal

Procedure

Information to Students

Students are made aware of the Hawthorn-Melbourne Complaints and Appeals process via:

- Enrolment documentation
 - Conditions of Enrolment
 - Letter of Offer Written Agreement
 - Correspondence in relation to transfers, deferrals and cancellations
- Day One Orientation
- Student handbook
- Hawthorn-Melbourne Website

For All Discussions and Appeals:

- Any staff member may be approached by a student with a grievance.
- No grievance is so trivial that it should be dismissed. A minor complaint could be a sign of a more profound dissatisfaction.
- Students should be assured that the matter will be dealt with speedily, sensitively, impartially and confidentially.
- Students can formally present their case at no cost and are entitled to be assisted or accompanied by a support person.

Informal Discussion

Where possible, any grievance that students raise should be addressed directly through informal discussion. Ideally, the following will take place:

1. A student raises a grievance in an informal conversation with a Hawthorn-Melbourne staff member.
2. The staff member assesses the grievance and attempts to address it informally through discussion of the matter with the affected parties, within the limit of their expertise.
3. If the student is satisfied with the outcome of this discussion, no further action needs to be taken, though the staff member may elect to follow up with the student where appropriate at a later date to confirm the issue raised is truly resolved.
4. Where relevant, the staff member may inform a manager of this informal conversation, and a note is made in the Student Management System to summarise it.

Internal Complaints

Hawthorn-Melbourne students may submit any complaints regarding his or her dealings with Hawthorn-Melbourne, the Hawthorn-Melbourne education agent or any related party Hawthorn-Melbourne has an agreement with by completing the Complaints Form, which is available online or at Reception. The completed form should be submitted in hard copy or emailed to ComplaintsandAppeals@hawthornenglish.vic.edu.au.

A written response will be provided to the student within 10 working days. If the student is not satisfied with the outcome, they may submit an Internal Appeal.

Internal Appeal

The Internal Appeals process occurs when the student is unhappy with a decision or a proposed decision made by Hawthorn-Melbourne, or when an issue raised by the student is unable to be resolved via Informal Discussion. An Internal Appeal may relate to, amongst other things, refund, transfer or deferral decisions, attendance reporting, disciplinary proceedings, complaint outcome, course progress issues or non-payment of fees.

The following will take place during the Internal Appeal:

1. Once the student states their intention to pursue a formal complaints and appeals process, Hawthorn-Melbourne staff explain this process to the student, ideally in a face-to-face meeting.
2. Students may bring a support person to any meeting they attend.
3. Student is advised they have up to 20 working days to submit an internal appeal
4. Hawthorn-Melbourne staff keep written records of meetings with the student by entering information into the Student Management System (SMS). Any supporting documents are stored electronically.
5. In order for a student to formalise their appeal, they must complete and submit the [Appeals Form](#).
6. The relevant Hawthorn-Melbourne staff member assesses the details of the appeal, factoring in elements including the student's circumstances, supporting documentation and accounts from other parties/witnesses where appropriate.
7. A decision must be reached and communicated to the student in writing, which includes detailed reasons for the outcome within 10 working days of the student lodging the [Appeals Form](#).
8. If the outcome is favourable to the student, Hawthorn-Melbourne implements the decision and/or corrective and preventative action as soon as practicable.
9. If the student is not satisfied with the outcome, they are advised that they can lodge an External Appeal at no cost via National Student Ombudsman.

External Appeal

Should the matter remain unresolved after the Internal Appeal process is complete, the student can lodge an External Appeal. The following will take place:

1. If the student intends to lodge an external appeal, **the student must notify Hawthorn-Melbourne** of their intention **within 5 working days** of receiving the outcome of the Internal Appeal and provide the evidence once lodged.
2. If the evidence of an external appeal is not submitted within 5 working days of receiving the outcome of the internal appeal, Hawthorn-Melbourne will proceed with any reporting obligations.
3. All parties should act according to the external appeal directions and processes throughout the external appeal.

4. As soon as practical, Hawthorn-Melbourne implements the external appeals body's decision and/or corrective and preventative action required and advises the student of the outcome by:
 - informing the student promptly of the decision reached by the external appeals body;
 - updating the SMS to record the outcome, and any subsequent actions (e.g. report the student to DHA or reinstating the student')

Suspension or cancellation by Hawthorn-Melbourne

In circumstances where Hawthorn-Melbourne initiates a suspension or cancellation of the overseas student's enrolment, Hawthorn-Melbourne will:

- a) inform the overseas student, or parent/legal guardian of a student under the age of 18 years, in writing of the intention to report the suspension or cancellation of an overseas student's enrolment and the reasons for doing so;
- b) advise the overseas student, or parent/legal guardian of an overseas student under the age of 18 years, of their right to appeal through Hawthorn-Melbourne's internal Complaints and Appeals Process, in accordance with Standard 10 (Complaints and Appeals) National Code 2018 within 20 working days***

[Complaints and Appeals-Process for Overseas Students](#)

- c) record a "Student Course Variation" on the CoE in PRISMS noting the reasons for the suspension or cancellation of the overseas student's course;
- d) advise the student that the CoE has been cancelled and to seek advice from the Department of Home Affairs on the potential impact to their student visa.

The student should refer to the following website: [Department of Home Affairs-Study situation has changed](#) or, contact the helpline on 131 881;

- e) add an entry to the diary section of the Student Management System (SMS) recording the details of the suspension or cancellation;

*** In circumstances where the overseas student's health or wellbeing, or the wellbeing of others is likely to be at risk, Hawthorn-Melbourne will advise the overseas student, or the parent or legal guardian of an overseas student under the age of 18 years, that the overseas student's enrolment may either be deferred, suspended or cancelled. While the student is entitled to appeal this decision, in cases where the student attending class poses an unacceptable risk to the student themselves, other students and/or staff, Hawthorn Melbourne may elect to exclude the student from class until the appeal is resolved, in line with Standard 9 of the National Code 2018.

In this circumstances, Hawthorn-Melbourne will:

- a) keep documented evidence to support the decision;
- b) inform the overseas student (and their parent/legal guardian if under the age of 18 years) in

- c) writing of the reasons that the overseas student's enrolment has either been deferred, suspended or cancelled;
- d) generate a "Student Course Variation" on the CoE in PRISMS noting the reasons for the deferral, suspension or cancellation of the overseas student's course detailing the extenuation circumstances. generate a new CoE (if applicable)
- e) record the details of the deferral, suspension or cancellation in the diary section of the Student Management System (SMS)

Responsibilities

Principal, Senior Teacher, Student Services Manager are responsible for:

- Monitoring and proper application of these procedures
- Interviewing and counselling overseas students

Principal, Senior Teacher, Student Services Manager and **Manager Admissions** are responsible for:

- Overall guidelines on Complaints and Appeals Processes
- Authoritative decisions on all individual requests
- Processing the Deferral, Suspension or Cancellation in accordance with the Hawthorn-Melbourne Policy and Procedure and Conditions of Enrolment.

Manager Admissions / Admissions staff are responsible for:

- Proper application of these procedures
- Storage of all documentation electronically relating to these procedures
- Generating appropriate Student Course Variation in PRISMS
- Generating appropriate diary entries in the Student Management System (eBECAS)

Business Development Manager is responsible for:

- Liaison with agents, as applicable

Related Documents

- Monitoring, Recording and Assessment of Course Progress Policy and Procedure –
- Student Attendance Monitoring Policy
- Student Attendance Monitoring and Procedure –
- Non-Payment of Fees Policy and Procedure –
- Hawthorn-Melbourne Code of Conduct
- Appeals Form
- Complaints Form
- Complaints and Appeals – Process for Overseas Students
- Deferring, suspending or cancelling the overseas student's enrolment Policy and Procedure

Definitions

Unless the contrary intention is expressed in this Policy, the following words (when used in this policy) have the meaning set out below:

Review

This Policy is tested and reviewed by the policy owner every two years and following any changes to the regulatory compliance requirements, legislation, regulation and guidelines.