KINCOPPAL – ROSE BAY
SCHOOL OF THE SACRED HEART

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CRICOS Provider Code 02268M ABN 47 003 942 603

3.13 OVERSEAS STUDENTS COMPLAINTS AND APPEALS POLICY AND PROCEDURES

Document Management

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Related legislation	NSW legislation: *Education Act 1990* ('the Education Act') Commonwealth legislative framework: *Education Services for Overseas Students Act 2000 (Cth)* ('the ESOS Act') *ESOS Regulations 2019* *National Code of Practice for Providers of Education and Training to Overseas Students 2018* ('the National Code') *Education Services for Overseas Students (TPS Levies) Act 2012*

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1. Background

Kincoppal-Rose Bay School of the Sacred Heart ('the School/KRB') is listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The School's CRICOS Provider Code is 02268M. As a CRICOS provider, the School is registered to deliver Primary (Kindergarten-Year 6), Junior Secondary (Years 7-10) and Senior Secondary (Years 11 and 12) courses to overseas students. Any references in this document to the 'registered provider', 'provider' or 'school provider' means the School or the School as a CRICOS provider, or vice versa.

The School Principal is the Principal Education Officer (PEO) under the legislation. Any references in this document to the PEO or the School Principal mean the School Principal.

Registered providers must ensure their overseas students have the right to natural justice protected through access to professional, timely, inexpensive and documented complaints handling and appeals processes, in accordance with the National Code of Practice for Providers of Education and Training to Overseas Students 2018 ('National Code') Standard 10.

2. Purpose

The purpose of this policy and procedures is to provide information about how the School ensures that overseas students have access to natural justice, and how complaints and appeals are managed.

3. Policy

3.1 The School will provide this and other relevant policies and procedures to staff and overseas students prior to enrolment and during the Orientation Program, in relation to complaints and appeals. The information will be provided to overseas students free of charge. See the School's *3.9 Overseas Students Support Services Policy and Procedures.*

3.2 The School will attempt to resolve complaints informally. An overseas student may lodge a formal complaint or appeal in writing, if a matter cannot be resolved informally (for example, through discussion of the matter).

3.3 The School will respond to any complaint that relates to the School, its education agents or any related party the School has an arrangement with to deliver the overseas student's course or related services.

3.4 An overseas student will be able 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.

3.5 All assessments will be conducted in a professional, fair and transparent manner.

3.6 All outcomes will be communicated to the student in writing, with detailed reasons.

3.7 If a complaint is unsuccessful, the overseas student may lodge an appeal of the School's decision.

3.8 The School will commence assessment of complaints or appeals within ten (10) business days of their lodgement and will finalise the outcome as soon as practicable.

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3.9 The School will advise overseas students within ten (10) business days of their right to access an external complaint handling and appeals process at minimal or no cost.

3.10 The School will provide the overseas student the contact details of the appropriate external complaints handling and external appeals body.

3.11 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the School will immediately implement the decision or recommendation and/or take the preventative or corrective action required by the decision and advise the student of that action. The School will maintain records of undertaking the action.

3.12 The School will maintain the overseas student's enrolment whilst a complaint and/or appeal is considered. However, the School retains the right to exclude an overseas student from classes during this period.

3.13 If the overseas student's appeal relates to a decision to cancel the student's enrolment, the School is required to wait for the internal complaints process to be completed before cancellation can proceed.

3.14 The School will not report the overseas student through Provider Registration and International Student Management System (PRISMS) for unsatisfactory course progress or attendance until the overseas student has accessed all internal and external complaints handling and appeals process, and the decision or recommendation supports the School (see Standard 8).

3.15 If the appeal is against the School's decision to defer or suspend a student's enrolment due to misbehaviour or cancel the student's enrolment, and the internal appeals process is unsuccessful, the School may report the change to the overseas student's enrolment through PRISMS.

3.16 The School maintain records of all documentation in relation to a complaint or appeal, including decisions, outcomes and the reasons.

4. Procedures

4.1 Providing information about complaints and appeals

4.1.1 Information about the School's complaints and appeals process is provided to overseas students prior to enrolment, and during the Orientation Program. See the School's *3.9 Overseas Students Support Services Policy and Procedures*.

4.1.2 Information about the School's complaints and appeals process is provided to staff via the School's Learning Management System, Aspire, and at staff meetings.

4.1.3 The external complaints handling and external appeals body is the Overseas Student Ombudsman, now known as the National Student Ombudsman (NSO), phone (within Australia) 1300 362 072 or phone (outside of Australia): + 61 2 6276 0111 https://www.ombudsman.gov.au/complaints/international-student-complaints/information-international-students

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4.2 Informal resolution of complaints

4.2.1 The Head of Junior School or Head of Senior School will contact the overseas student and their parent and attempt to resolve the complaint informally.

4.2.2 If the complaint cannot be resolved informally, the relevant Head of School will ask the overseas student to put their complaint in writing.

4.3 Lodging a formal complaint or appeal

4.3.1 Overseas students must lodge formal complaints and any subsequent appeals (if applicable) in writing to the PEO at principalpa@krb.nsw.edu.au.

4.3.2 The PEO will acknowledge the formal complaint or appeal by email, within two (2) business days.

4.4 Assessment

4.4.1 The PEO or their delegate will appoint an investigator to conduct an investigation into the issues raised following the principles of procedural fairness.

4.4.2 The investigator will conduct a meeting with the overseas student and their support person.

4.4.3 The investigator will report their findings to the PEO, who will make a decision.

4.5 Communication of decisions

4.5.1 The PEO will communicate the decision and the reasons to the overseas student in writing.

4.5.2 If the complaint is not upheld, the PEO will advise the overseas student that they may appeal the PEO's decision, in writing to the PEO at principalpa@krb.nsw.edu.au.

4.6 Appeals

4.6.1 The PEO will assemble an Internal Appeals Panel made up of Senior staff independent from the matter.

4.6.2 The Internal Appeals Panel will aim to decide about a complaint as soon as practicable from the date of the review process being initiated.

4.6.3 The PEO will then provide a written response to the complainant regarding the appeal, including the decision and reasons.

4.6.4 The matter will be closed if the response of the Appeals Panel is accepted.

4.6 Follow up steps

4.7.1 If the Internal Appeals Panel does not find in favour of the overseas student, the PEO will advise the student of the details of the external complaints handling process and the contact details for the external appeals body. See Procedures 4.1.3.

4.7.2 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the School will immediately implement the decision or recommendation and/or take the

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preventative or corrective action required by the decision and advise the student of that action. The School will maintain records of undertaking the action.

4.7.3 The PEO will ensure that the overseas student's enrolment continues throughout the complaints and if applicable, appeals process.