Purpose
This policy and procedure outlines the formal complaints and appeals process to meet Standard 8 of the National Code 2007. This policy and procedure does not negate the right of any overseas student to take action under Australia’s consumer protection laws or to pursue other legal remedies.

Scope
This policy and procedure applies to complaints and appeals regarding International student matters.

Policy
Students are explained the complaints and appeals process during orientation.

Informal Resolution
TAFE Queensland East Coast Region requests that there is an attempt to informally resolve a dispute or a complaint before a formal process is initiated. Students may attempt resolution by contacting their teacher, ISSO, Educational Manager or the Senior International Business Officer. The contacted officer must complete a Record of Conversation [0284] when discussing the dispute with any parties involved and kept on the student’s file in the International Unit.

Complaints
Complaints may be made informally to a staff member or formally by using the ‘Have Your Say’ form. For more information on the ‘Have Your Say’ process refer to the International Unit.

Internal Appeal
Where the complaint or appeal is unable to be resolved informally the student should access the Region’s internal appeal process within 5 working days of the date the decision was communicated to the student. Where the student receives a Letter of Intention to Report he/she has 20 working days from the receipt of the letter to access the appeals process.

TAFE Queensland East Coast will take all reasonable measures to finalise the process as soon as practicable, whilst mindful of the duration of the student’s visa and the student’s future enrolments.

The Internal Appeals process is initiated by the student submitting an ‘Appeal Application’. If the student’s complaint and/or appeal is in regard to an academic decision or misconduct he/she may refer to the TAFE Queensland Student Rules available at http://tafeqld.edu.au/current-students/student-rules/.

The appeals process will begin within 5 working days of the Appeal Application and all supporting documents being received.

Appeal Applications may be submitted by:

Email:
International.EastCoast@tafe.qld.edu.au

Post:
International Unit
TAFE Queensland East Coast
PO Box 5656 SMC
Nambour, QLD, 4560

In their application students must outline the complaint and/or appeal, decision and reasons for the complaint and/or appeal, including any compassionate or compelling circumstances, and may provide documentary evidence in support of their appeal. All documentation lodged must be original documents or certified copies, no photocopies or facsimiles will be accepted.

All documentation received from or sent to the student should be documented and kept in the student’s file in the International Unit.
The student will have the opportunity present his/her case at no cost to him/her. He/she may also be accompanied by a support person at any stage of the appeal process.

All complaints will be investigated in a timely manner and where possible resolved.

The objective of the internal appeal is to reach a determination on the decision made in the informal resolution. Students will be notified of the final decision in a written statement including details of the reasons for the outcome and any actions to be undertaken.

The Region must maintain the student’s enrolment while the complaints and appeals process are ongoing. This does not necessarily mean that a student must remain in class.

If the outcome of a student’s appeal through the Region's internal or external complaints and appeals handling process is favourable to the student, TAFE Queensland East Coast will immediately advise the student and implement any decision and/or corrective and preventive action.

External Appeal

A student who is not satisfied with the outcome of the internal appeals process has the right to take their case to the Queensland Ombudsman. The student may submit their appeal in writing with supporting documentation to:

**Post:**
GPO Box 3314
Brisbane, QLD, 4001

**In Person:**
Level 17, 53 Albert Street
Brisbane, QLD, 4000

**Telephone:** +61 7 3005 7000
**Toll free (outside Brisbane):** 1800 068 908
**Email:** ombudsman@ombudsman.qld.gov.au
**Website:** http://www.ombudsman.qld.gov.au/

Counter service
Office hours are 8.30 am to 5.00 pm, Monday to Friday.
Complaints may be made in person during office hours. If you want to make a complaint in person, we recommend you phone ahead to make an appointment.

The objective of the external appeals process is to consider whether the Region has followed this policy and procedure. It is not to make an appeal decision in place of the Region.

If the internal or external complaint and appeals process results in a decision that supports the student, the Region will immediately implement that decision and/or corrective and preventative action required.

Maintaining Student Enrolment

The Region will maintain the student’s enrolment throughout the internal appeals process for all types of complaints or appeals, however, the student may not be required to attend class.

If the appeal is against the Region’s decision to report the student for unsatisfactory course progress or unsatisfactory attendance the Region will maintain the student’s enrolment and will not report the student to Department of Immigration and Border Protection (DIBP) until the external appeals process is complete and has supported the Region’s decision to report.

The Region will also allow access to learning opportunities throughout the entire appeals process depending on the type of appeal.

If the appeal is against the Region’s decision to report the student for:

**Unsatisfactory course progress or unsatisfactory attendance.**

TAFE Queensland East Coast must maintain the student’s enrolment (not report the student for unsatisfactory course progress or attendance) until the external complaints process is complete and has supported the Region’s decision to report as reporting a student for unsatisfactory progress or attendance may result in cancellation of the student's visa.
If the appeal is against the provider’s decision to:

Defer or suspend a student’s enrolment due to misbehaviour; or
To cancel the student’s enrolment.

The provider only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Education, Training and Employment through PRISMS of the change to the student’s enrolment.

Once the Department of Education, Training and Employment has been notified of a deferment, suspension or cancellation of a student’s enrolment, the student has 28 days in which to:
- leave Australia;
- show DIBP a new Confirmation of Enrolment (CoE); or
- provide DIBP with evidence that he or she has accessed an external appeals process.

Depending on the reasons for the complaint and/or appeal TAFE Queensland East Coast may decide to exclude a student from attending classes, but continue to provide work to complete outside of the Region.

Your provider is required to give you a written statement of the outcome, including reasons for the outcome.

If you are not satisfied with the outcome, or the way the training provider handled your complaint, you are entitled to take your complaint to an external appeals body.

Breach of Legislation by the Region

The Commonwealth regulators may suspend or cancel the Region’s registration if a breach of the requirements of registration provision is proved. Concerns about the conduct of the Region should be addressed to: http://www.asqa.gov.au/complaints/make-a-complaint---overseas-students/make-a-complaint---overseas-students-1.html.

If the student is concerned about the actions of the Region in relation to the VET Quality Framework or the ESOS Framework he/she may approach the Commonwealth Authority for CRICOS Registration in Queensland: Australians Skills Quality Authority (ASQA) http://www.asqa.gov.au/complaints/make-a-complaint---overseas-students/make-a-complaint---overseas-students-1.html.

ASQA may not investigate a complaint unless it is supported by clear evidence indicating that: TAFE Queensland East Coast is breaching (or has breached) its legislative requirements under the National Vocational Education and Training Regulator Act 2011 (the Act), including the Standards for NVR Registered Training Organisations 2012, and any additional conditions imposed by ASQA on its registration, and Subdivision A of Part 6 of the Act.

Students may also contact The Department of Education: https://www.aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/ESOSenquiries/Pages/Default.aspx

Overseas students must first provide the Region with an opportunity to address the complaint by following the Region's complaints and appeals procedures.

The Department of Education can impose sanctions against an education institution if they are not following the law. Sanctions include suspending or cancelling the right of the education institution to teach overseas students. Breaching the laws may also be a criminal offence attracting fines or imprisonment.

The Department of Education does not follow up individual student complaints.

Procedure

<table>
<thead>
<tr>
<th>Standard 8 – Complaints and appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Student</strong></td>
</tr>
</tbody>
</table>
Teacher, Educational Manager, International Unit

1. Discusses issue with student and attempt to reach a resolution to the student’s issue

Student

1. Where the student is dissatisfied with the resolution he/she submits an Appeal Application (Overseas students) within five (5) working days to the relevant General Manager or delegate
2. Attaches any evidence to support the appeal with the application
3. The student may request a meeting to formally present his/her case to General Manager or delegate. Overseas students may also be accompanied by a support person

General Manager or delegate

1. Commences appeals process within five (5) working days of the lodgement of Appeal Application (Overseas students)
2. Sends letter to student to acknowledge receipt of application and if requested, sets a hearing date to give the student the opportunity to formally present his/her case via the Overseas Student Appeal Hearing Letter.
3. If a hearing is requested convenes and reviews Appeal Application and evidence provided by the student
4. Notify the student in writing of the outcome (including detailed reasons) within five (5) working days of the hearing via the Overseas Student Appeal Decision Letter.
5. If the outcome supports the student's appeal, the Region will immediately implement the decision and any corrective and/or preventative action required
6. Forwards all documents to the International Unit to be placed on student’s file

Student

1. If requested, participates in hearing to formally present his/her case
2. May be accompanied by a support person to the hearing
3. Receives notification of outcome
4. If the outcome does not support the student's appeal and/or the student is dissatisfied with the decision, he/she may access the external appeal process

The student may submit their appeal in writing with supporting documentation to the Queensland Ombudsman. Refer to the ‘External Appeal’ section in this policy and procedure.

Student

Students who wish to report the Region for a breach of Legislation may contact ASQA or the Department of Education as per the details in the policy after they have raised their issue with the Region.

References


- Education Services for Overseas Students Regulations 2001
- National Vocational Education and Training Regulator Act 2011
- Standards for NVR Registered Training Organisations 2012

Other

- TAFE Queensland Student Rules
- ASQA: Make a complaint - overseas students
- Australian Education International: ESOS Enquiries

Glossary

<table>
<thead>
<tr>
<th>Terms</th>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESOS</td>
<td>Education for Overseas Students</td>
</tr>
</tbody>
</table>

Authorisation

This policy has been approved by the TAFE Queensland East Coast General Manager or delegate. This policy’s effective date is the same as the date of approval. This policy supersedes any previous versions.

Approved by  Carolyn Jalal  Date  23/09/2014