

International Student Complaints and Appeals Policy

Purpose

This policy ensures international students have a fair, inexpensive complaints and appeals process for the resolution of any type of dispute that includes access to an independent external body if necessary. Insight Academy must make prompt decisions as a student's visa will restrict his or her length of stay in Australia.

This policy has an internal complaint and appeals process that:

- requires a written record if the complaint or appeal cannot be resolved informally;
- provides a student with the opportunity to formally present his or her case at minimal or no cost;
- allows the student to be assisted or accompanied by a support person;
- provides a written statement of the outcome, including details and reasons for the decision; and
- requires that processes begin within 10 working days of Insight Academy receiving the formal written lodgement of the complaint or appeal.

Insight Academy will maintain the student's enrolment while the complaints and appeals process is ongoing. This does not necessarily mean that a student will remain in class.

Insight Academy will have arrangements in place for an independent external person or organisation to hear the complaints or appeals where Insight Academy's internal process has been completed and the student remains dissatisfied.

The student will be granted immediate access to the Insight Academy complaints and appeals process. The process must begin within 10 working days of the formal lodgement of the complaint or appeal.

Insight Academy's documented internal complaints and appeals process must include provision of a written statement of the outcome including details and reasons for the decision.

If the outcome of a student's appeal through a provider's internal or external complaints and appeals handling process is favourable to the student, Insight Academy must immediately advise the student of this and implement any decision and/or corrective and preventive action required.

The process must begin within 10 days of receipt of the formal complaint. It must be completed within a reasonable timeframe which takes into consideration the length of a student's visa and the student's enrolment in future subjects and/or courses.

The complaints and appeal process must give the student the opportunity to:

- formally present his or her case; and
- be accompanied or assisted by a support person.

It is important for Insight Academy to make the objective of the process clear in its policies and procedures.

For example, is the objective to reach a mediated resolution or is it for the internal complaints and appeals processes to reach a determination? Generally, a mediated solution will be inappropriate when the issue is whether or not the institution followed its own policies and procedures.

While Insight Academy has arrangements in place for complaints or appeals, Insight Academy may use different processes for different types of complaints. When considering which processes are suitable, Insight Academy will bear in mind the appropriateness of the process for the particular kind of complaint as well as accessibility, timeliness, cost and procedural fairness.

Insight Academy has arrangements in place for external complaints or appeals. It does not prescribe the process of the external appeal. Insight Academy may use different processes for different types of complaints.

In most cases, the purpose of the external appeals process is to consider whether Insight Academy has followed its policies and procedures – it is not to make a decision in place of Insight Academy.

For example, if a student appeals against his or her subject results and goes through Insight Academy's internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

If the student is not satisfied with the outcome or conduct of the internal complaint handling and appeals process, Insight Academy must be able to supply information to the student on how to pursue the appeal through the external appeals process. There should be no charge for advising students of their rights to access an external appeals process. The external appeals process to which the student is referred should be at minimal or no cost.

Until the complaints and appeals process is completed, Insight Academy must maintain the enrolment of the student. To 'maintain the student's enrolment' means Insight Academy does not notify DET of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

Insight Academy must maintain the student's enrolment throughout the internal appeals process for all types of complaints or appeals. However, whether Insight Academy must maintain the enrolment throughout an external appeals process depends on the type of appeal.

Insight Academy must wait for the outcome of the external process in this case as reporting a student for unsatisfactory progress or attendance has serious consequences for the student's visa – Insight Academy only needs to await the outcome of the internal appeals process (supporting Insight

Academy) before notifying DET through PRISMS of the change to the student's enrolment.

Once DET 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 the Department of Immigration and Border Protection (DIBP) a new Confirmation of Enrolment (CoE)
- provide DIBP with evidence that he or she has accessed an external appeals process.

Standard 8 does not require providers to continue to offer learning opportunities throughout the complaints or appeals process. Each provider must decide whether it will continue to offer learning opportunities throughout any appeals process. For example, some providers may decide to exclude a student from attending classes, but continue to provide work to complete outside of the classroom environment.

Providers should consider that to deny students learning opportunities throughout the appeals process may disadvantage the students in their subsequent studies should the appeals process find in their favour. If students have missed a few weeks of studies, it may be difficult for them to catch up on this work.

If a student takes the complaint or appeal to the external process, the student must be informed promptly of the decision reached by the external body.

Insight Academy should update the student's file to record the outcome, and any subsequent actions.

Policy

Insight Academy aims to resolve all complaints received in an informal manner to avoid unnecessary stress and disruption to the student and Insight Academy.

However, if a complaint is unable to be resolved on an informal level the student is required to present to Insight Academy a written complaint within 5 business days of the incident. The written complaint will then be acknowledged by Insight Academy within 5 business days with an outline of the process to be followed and an estimated timeframe for resolving the complaint. Any expected delay is required to be explained. Should a delay be encountered once the complaint handling process has been commenced, this is required to be advised in writing with a revised period. Review of the complaint will begin within 10 business days of Insight Academy receiving the formal written lodgement of the complaint.

Complainants can represent themselves, and there are no fees for accessing the grievances and complaints procedures. Complainants may be assisted and supported by another person at any meetings.

A written statement of the outcome, including details and reasons for the decision will be provided to the student. Insight Academy will immediately advise the student and implement any decision in the event of any favourable outcome to the student.

Insight Academy will maintain the student's enrolment while the internal and external complaints and appeals process is ongoing if there is a threat that the student will be deported. However, if there is no threat that the student will be deported enrolment may only be maintained during the internal process (enrolment during the external process will be at Insight Academy's discretion).

This policy advises that students are able to access Insight Academy's Appeals process within 20 working days of the outcome of the complaint. If after the internal appeals process has been conducted, the student is still unsatisfied with the result they may appeal to the Australian Council for Private Education and Training (ACPET). As per Standard 8.2 there is no cost for accessing this process. The outcome of the external appeals process will be final and accepted by both parties.

Alternatively the student may access the Independent mediation service which is available through the Overseas Students Commonwealth Ombudsman.

The Commonwealth Ombudsman deals with:

Complaints about Commonwealth Government departments and agencies, and is also the Ombudsman for:

- Private Health Insurance
- Overseas Students with private education providers
- The Defence Force
- Immigration
- Law Enforcement
- The Postal Industry
- The Australian Capital Territory (see ombudsman.act.gov.au)
- Public Interest Disclosure Scheme

Make a complaint to the Commonwealth Ombudsman

Phone

The office is open 9:00am to 5:00pm Monday to Friday, Australian Eastern Standard Time.

Complaints: 1300 362 072 (Calls from mobile phones are charged at mobile phone rates)

Indigenous Line: 1800 060 789

Norfolk Island: 1800 1354

Overseas callers +61 2 6276 0111

Online

Make a Complaint using our online complaint form

Post

Commonwealth Ombudsman

GPO Box 442

Canberra ACT 2601

Privacy

[View the Commonwealth Ombudsman Privacy Statement](#)

[View the Private Health Insurance Ombudsman Privacy Statement](#)

Services available to assist you to make a complaint

If you are a non-English speaking person, we can help through the Translating and Interpreter Service (TIS) on 131 450.

If you are deaf, or have a hearing impairment or speech impairment, contact us through the National Relay Service:

- TTY users phone 133 677 then ask for 1300 362 072
- Speak and Listen users phone 1300 555 727 then ask for 1300 362 072
- Internet Relay users connect to the National Relay Service then ask for 1300 362 072

Information sheets are available in many community languages and the office of the Commonwealth Ombudsman can provide copies of a large print information booklet.

If you need another kind of support to make a complaint, please let Commonwealth Ombudsman staff know and they will do their best to help you. This might include giving you extra time to explain your

complaint, making an appointment to talk to someone in person, or asking them to contact another person to get more information about your complaint.



Informal Complaint Procedure

1. Student has a complaint
2. Approaches Trainer/PEO with complaint
3. Trainer/PEO resolves complaint internally on an informal basis

Formal Complaint Procedure

1. Student has a complaint
2. Student lodges the complaint in writing to the PEO within 5 business days of the incident occurring
3. The written complaint will be acknowledged by Insight Academy in writing, along with an outline of the processes to be followed and an estimated time frame.
4. Review of the complaint to begin within 10 working days of the written complaint being received
5. The students enrolment will be maintained during the review process (if there is a threat the student will be deported)
6. A written statement detailing the outcome of the complaint review will be given to the student
7. In the event of a favourable outcome for the student, Insight Academy will immediately advise and implement any decision
8. If student unhappy with result – able to lodge internal appeals process
9. Student able to pursue external appeal at no extra cost to them if they are unhappy with the outcome of the complaint review. (Refer to Policy for External Providers)

Related National Code Standard 8

Overview of Standard 8

Registered providers' complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

- 8.1 The registered provider must have an appropriate internal complaints handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes as long as it meets these requirements:
 - a. a process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept

- b. each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself
 - c. each party may be accompanied and assisted by a support person at any relevant meetings
 - d. the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome, and
 - e. the process commences within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.
- 8.2 The registered provider must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
- 8.3 If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the registered provider must advise the student of his or her right to access the external appeals process at minimal or no cost.
- 8.4 If the student chooses to access the registered provider's complaints and appeals processes as per this standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is ongoing.
- 8.5 If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.