

# COMPLAINTS AND APPEALS POLICY



Human Resources and Compliance

Version 2.2

Last Reviewed: 26 February 2019

## 1 Statement

FSAC Ltd trading as St John's International College and St John's Anglican College (the College) is committed to providing students and parents/legal guardians with the opportunity to access procedures to facilitate the resolution of a dispute or complaint involving the College, an education agent or third party engaged by the College to deliver a service on their behalf. The internal complaints and appeals processes are conciliatory and non-legal in nature.

## 2 Scope

This policy applies to the College Council members, employees, international students and their parents/legal guardians.

## 3 Principles

This policy is based on the following principles:

- Complaints and appeals will be heard by the College as quickly as possible;
- Complaints and appeals will be treated seriously, sensitively and impartially;
- Complaints and appeals procedures and guidelines are based on the principles of 'Natural Justice';
- Individuals will be encouraged to use the complaints and appeals procedures, and can be confident that there will be no reprisal;
- Confidentiality will be strictly observed by all participants and at all stages of the complaint and appeals process.

## 4 Student Protection

The College supports the rights of children and young people and is committed to ensure the safety, welfare and wellbeing of students. The College is therefore committed to responding to allegations of student harm resulting from the conduct or actions of any person including that of employees. This commitment includes the provision of a safe and supportive living and learning environment for all



students and requires all employees, volunteers and visitors to model and encourage behaviour that upholds the dignity and protection of students from harm.

## 5 Definitions

Natural Justice:	or 'Procedural Fairness' refers to the duty to observe fair procedures when making decisions which affect people's rights, interest or legitimate expectations in a direct or immediate way.
Student:	a student enrolled at FSAC Ltd trading as St John's International College and St John's Anglican College (the College) or the parent(s)/legal guardian of a student where that student is under 18 years of age.
Support Person:	Is a person, for example, a friend/teacher/relative not involved in the grievance.
Working Day:	any day other than a Saturday, Sunday or public holiday during term time.

## 6 Complaints and appeals resolution

### 6.1 Complaints, grievances and appeals 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 *Student Protection in Anglican Schools Policy* and associated procedures.

Grievances raised by a student against another student will be dealt with in accordance with the College's *Behaviour Management Procedure* and *Student Code of Conduct*.

### 6.2 Informal complaints resolution

In the first instance, the College requests that there is a genuine attempt to informally resolve the issue through mediation/informal resolution of the complaint.

Students should contact their teacher/ELICOS teacher/teacher aide or other appropriate member of the College to attempt the mediation/informal resolution of the complaint.

If the matter cannot be resolved through mediation, the matter will be referred to the Principal and the College's internal formal complaints and appeals handling procedure will be followed.

### 6.3 Formal internal complaints handling and appeals process

The internal complaints handling, 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.

1. The student/parent or agent must notify the college in writing of the nature and details of the complaint or appeal.
2. Written complaints or appeals are to be lodged with the Principal.



3. 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 him/her 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.
4. Complaints and appeals processes are available to students at no cost.
5. Each complainant has the opportunity to present his/her case to the Principal.
6. Students and / or the College may be accompanied and assisted by a support person at all relevant meetings.
7. The formal internal complaints and appeals process will commence within 10 working days of lodgement of the complaint or appeal with the Principal and will be finalised in 5 working days or as soon as practicable.
8. For the duration of the internal complaints and appeals process, the student's enrolment will be maintained, as required under the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code) and the student must continue to attend classes.
9. However, if the Principal deems that the student's health or well-being, or the well-being of others is at risk he/she 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.
10. 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, and a copy will be retained on the student's file.
11. If the complaints and appeals procedure finds in favour of the student, the College will immediately implement the decision and any corrective and preventative action required, and advise the student of the outcome and action taken.
12. 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 review of the student's right to access the external appeals process.
13. However, the College is only obliged to await the outcome of an external appeal if the matter relates to a breach of course progress or attendance requirements. For all other issues, 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.

### 6.4 External appeals process

If the student is dissatisfied with the conduct or result of the internal complaints and appeals procedure, he/she may contact and / or seek redress through the Overseas Students Ombudsman at no cost. Please see: <http://www.ombudsman.gov.au/about/overseas-students> or phone 1300 362 072 for more information.

If the student wishes to appeal a decision made by the College that relates to being reported for a breach of course progress or attendance requirement (under Standard 8 of the National Code), the student must lodge this appeal with the Overseas Student Ombudsman's office within 10 working days of being notified of the outcome of his/her internal appeal.

If the student wishes to appeal a decision made by the College that relates to:

- refusal to approve a transfer application (under Standard 7 of the National Code); or



- suspension or cancellation of the student’s enrolment (under Standard 9 of the National Code)

any choice to lodge an external appeal with the Overseas Student Ombudsman is at the student’s discretion. The College need not await the outcome of any external appeal lodged, before implementing the outcome of the internal appeal.

## 6.5 Other legal redress

Nothing in the College’s *Complaints and Appeals Policy* negates the right of an overseas student to pursue other legal remedies.

## 7 Privacy

Personal information that may be obtained, stored and released is done so in accordance with the *Privacy Act 1988*. For further information please refer to the College’s *Privacy Procedure*.

## 8 Accountabilities and Responsibilities

The table below outlines the accountabilities and responsibilities for governing and managing the College.	
College Council:	Is responsible for ensuring the proper and effective management and operation of the College. This includes defining and monitoring the strategic direction, developing and monitoring policies, monitoring the effectiveness of the College Council and College, and establishing control and accountability systems.
Principal:	Is responsible for the administration and implementation of the College’s strategic direction, policies and procedures and control and accountability systems developed by the College Council. The Principal works closely with and is accountable to the College Council for leading the College to deliver high quality curriculum and educational outcomes, excellence in teaching and learning, a strong College community and driving market growth.
Manager Human Resources and Compliance:	Is responsible for ensuring the achievement of College strategic objectives through the development and application of best practice Human Resource Management principles and practices that comply with legislative requirements. The Manager Human Resources and Compliance works closely with and is accountable to the Principal for developing, implementing and evaluating an appropriate policy framework compliant with all statutory requirements.
Employees:	Are expected to abide by all College policies and procedures.

## 9 Related policies, procedures and other documents

### 9.1 Policies

Course Progress, Attendance and Course Duration Policy

Entry Requirements Policy



Complaints and Appeals Policy

International College Homestay Management Policy

Refund Policy

Student Transfer Request Policy

## 9.2 Procedures

Accommodation and Welfare Procedure

Privacy Procedure

## 9.3 Other documents

Australian Privacy Principles

College Vision, Mission and Values Statement

Student Code of Conduct

## 9.4 Legislation

*Child Protection Act 1999 (Qld)*

*Education Services for Overseas Students Act 2000*

*National Code of Practice for Providers of Education and Training to Overseas Students 2018*

*Privacy Act 1988*

# 10 Approval

This policy was issued on 4 March 2019 under the authority of the Principal. This document represents the current policy of the College until it is revised or rescinded.

# 11 Managing this policy

## 11.1 Review

This policy is to be reviewed every two years or earlier if necessary. The Manager Human Resources and Compliance is responsible for reviewing or making approved modifications to the policy.



## 12 Authorisation

Maria McIvor  
Principal  
Date: 4 March 2019