

COMPLAINTS AND APPEALS POLICY AND PROCEDURES

The College takes its obligation to ensure that students and staff enjoy a safe working environment seriously. It believes that all people in the College community have the right to learn and teach in a supportive, caring and safe environment without fear of intimidation or being bullied. Every individual in the College has the duty to report an incident of bullying, whether it happens to themselves or to another person.

1. Policy

This policy/procedure supports SMART English Melbourne to provide a process for complaints and appeals to be heard and actioned. All complaints and appeals received by SMART English Melbourne will be viewed as an opportunity for improvement.

SMART English Melbourne conducts the assessment of the complaint or appeal in a professional, fair and transparent manner.

Despite all efforts of SMART English Melbourne to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. The following procedures provide students the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This complaints and appeals process will be at no cost to the student (unless referred to a third party; see procedure for more details).

2. Procedures

The complaints and appeals policy and procedures and applicable form are made available to all students and potential students by directly contacting SMART English Melbourne, through SMART English Melbourne's website, within the student Orientation and the Student Handbook.

2.1 General Complaints

Where possible all non-formal attempts will be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the student's issue. A flowchart has been made to simplify the Complaint and Appeal procedures. With the purpose to accessible to all students, this flowchart is displayed in every class and in the common areas.



Do you disagree with a school decision?
Are you not satisfied with a school decision?

STEP 1:



Are you satisfied?

Talk to your teacher or
Talk to the Student Services Officer

STEP 2:



Talk to the Academic Manager

You may bring a support person with you to this meeting

Complaint resolved

Are you satisfied?

STEP 3:



Talk to the CEO

You may bring a support person with you to this meeting

Complaint resolved

Are you satisfied?

STEP 4:



Contact the Commonwealth Ombudsman at
<https://www.ombudsman.gov.au/complaints/international-student-complaints> to access their Complaints and Appeals mechanism. This is a free service.

You may bring a support person with you to this meeting

Complaint resolved



- Any student, potential student, or third party may submit a formal complaint to SMART English Melbourne with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.
- Complainants have the right to access advice and support from independent external agencies / persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.
- Any person wishing to submit a formal complaint or appeal can do so by completing the Complaints and Appeals Form and state their case providing as many details as possible. This form can be gained by contacting the Administration staff at SMART English Melbourne.
- All formally submitted complaints or appeals are submitted to the Administration staff. Complaints are to include the following information:
 - Submission date of complaint
 - Name of complainant
 - Nature of complaint
 - Date of the event which lead to the complaint
 - Attachments (if applicable)
- Once a formal complaint is received it is to be entered into the Complaints and Appeals Register which is monitored by the CEO regularly. The information to be contained and updated within the register includes, among others, as follows:
 - Submission date of complaint
 - Name of complainant
 - Description of complaint/appeal
 - Determined Resolution
 - Date of Resolution
- A student may be assisted or accompanied by a support person regardless of the nature of the issue or complaint throughout the process at all times.
- SMART English Melbourne will make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
- Once a decision has been reached, SMART English Melbourne will be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the students will also be notified that they have the right of appeal. To appeal a decision SMART English Melbourne must receive, in writing, grounds of the appeal. Students are referred to the appeals procedure.
- SMART English Melbourne will ensure the immediate action on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the student, SMART English must immediately implement any decision and/or corrective and preventative action that is required and advise the student of the outcome.
- Copies of all documentation, outcomes and further action required will be placed into the Complaints and Appeals Register by the Administration staff and on the student's file.

2.2 Appealing a Decision – Internal Appeals

All students have the right to appeal decisions made by SMART English Melbourne where reasonable grounds can be established. The areas in which a student may appeal a decision made by SMART English Melbourne may include:

- Assessments conducted
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment



- Or any other conclusion/decision that is made after a complaint has been dealt with by SMART English Melbourne in the first instance.
- To activate the appeal process, the student must complete a Complaints and Appeals Form which will include a summary of the grounds on which the appeal is based. If the student feels the decision is unfair then the reason must be clearly explained. The Administration staff can help and support with this process.
- SMART English Melbourne will then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
- The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.
- SMART English Melbourne will ensure that action is taken immediately on any substantiated appeal.
- Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures will be followed:

General appeals

1. Where a student would like to appeal a decision or outcome of a formal complaint, they are required to notify SMART English Melbourne in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.
2. The appeal must be submitted to the Administration and the staff will ensure the details of the appeal are added to the Complaints and Appeals Register.
3. SMART English Melbourne will seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
4. The student will be notified in writing of the outcome with reasons for the decisions within 10 working days of concluding the internal review, and the Complaints and Appeals Register updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify SMART English Melbourne if they wish to proceed with the external appeals process.

Assessment appeals

1. Where a student wishes to appeal an assessment they are required to notify their teacher first. Where appropriate the teacher may decide to re-assess the student to ensure a fair and equitable decision is gained. The teacher will complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
2. If this is still not to the student's satisfaction, the student can formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They should submit it to the administration staff and the appeal will be entered into the Complaints and Appeals Register.
3. The ELICOS Academic Manager will be notified and will seek details from the teacher involved and any other relevant parties. A decision will be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party will be another teacher appointed by the ELICOS Academic Manager .
4. The student will be notified in writing of the outcome with reasons for the decision within 10 working days of concluding the internal review, and the Complaints and Appeals Register updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify SMART English Melbourne if they wish to proceed with the external appeals process.

2.3 Further steps & information – External Appeals

International Students External Appeal



In addition to the above processes, international students enrolled with SMART English Melbourne can lodge an external appeal with the Commonwealth Ombudsman. Contact details for the Commonwealth Ombudsman are available from <https://www.ombudsman.gov.au/complaints/international-student-complaints>.

Organisation:	Commonwealth Ombudsman (https://www.ombudsman.gov.au/complaints/international-student-complaints)
Contact point:	Call: 1300 362 072 (within Australia)

- Where SMART English Melbourne is informed that the student has accessed external appeals processes SMART English Melbourne will maintain a student’s enrolment until the external appeal process is finalised.
- SMART English Melbourne will comply with the findings of the external appeals process
- Where a decision or outcome is in favour of the student SMART English Melbourne shall follow the required action and recommendation from The Overseas Ombudsman to satisfy the student’s grievance as soon as practicable.
- The decision of this independent mediator is final and any further action the student wishes to take is outside SMART English Melbourne’s policies and procedures. The student will be referred to the appropriate government agencies by SMART English Melbourne.

Further Steps

If a student is still dissatisfied with the decision of SMART English Melbourne, they may wish to seek legal advice or place a complaint about SMART English Melbourne to ASQA directly by completing the online complaint form: <https://rms.asqa.gov.au/registration/newcomplaint.aspx> (Please be aware that ASQA does not act in a mediation capacity).

Except in exceptional circumstances, you must attach evidence to your complaint form showing:

- that you have followed SMART English Melbourne’s formal complaints procedure, and
- SMART English Melbourne response.

ASQA’s processes require the student to identify themselves to ASQA as a complainant, although they may request to keep the identity confidential throughout any investigation.

Australian Skills Quality Authority - Ph: 1300 701 801 - Website: <https://www.asqa.gov.au/>

