

## ISP Complaints and Appeals Policy

### Purpose

This policy provides guidance in ensuring that formal complaints and appeals relating to the International Student Program (ISP) are addressed in a fair, transparent and compliant manner.

This policy is for Department of Education and Training (International Education Division) (DET (IED)) staff, all ISP international students (students), parents, education agents and schools.

### Scope

This policy applies to students, parents, schools and education agents who want to lodge a formal complaint or appeal relating to the ISP.

For the purpose of this policy, a complaint is an expression of dissatisfaction with the quality of an action taken or service provided or dissatisfaction with a delay or failure in providing a service, taking an action, or making a decision. An appeal is a request for a review of a formal decision.

### Information on making a complaint or appeal

- To assist students, parents, schools and education agents to address complaints and appeals, please see the [ISP Complaints and Appeals Process Guide](#), available under *Brochures and Forms* at [www.study.vic.gov.au](http://www.study.vic.gov.au), for an overview of the steps that can be taken in relation to a complaint or appeal.

### Policy

#### Dealing with matters informally

- DET (IED) requests, in the first instance, complainants attempt to resolve the matter informally. This can be done by outlining concerns in a conversation or via email with the other party involved.
- If the complainant is dissatisfied with the outcome of their attempt to resolve the matter informally, the matter can be escalated by lodging a formal complaint or appeal in writing. Please see the [ISP Complaints and Appeals Process Guide](#), available under *Brochures and Forms* at [www.study.vic.gov.au](http://www.study.vic.gov.au), for an overview of how matters can be escalated by lodging a formal complaint or appeal.

#### How DET (IED) will deal with formal complaints and appeals

- DET (IED) will respond to any complaint or appeal regarding the complainant or appellant's dealings with DET, education agents or any related party DET has an arrangement with to deliver the student's course or related services.
- DET (IED) does not charge a fee to lodge a complaint or an appeal.
- The DET (IED) officer responsible for complaints and appeals will allocate a complaint or appeal to the relevant DET (IED) staff member to address.
- DET (IED) will provide the complainant or appellant with the contact details of a staff member within DET (IED) who the complainant or appellant can contact in relation to the complaint or appeal.
- DET (IED) will commence assessment of a complaint or appeal within 10 working days of lodgement and all reasonable measures will be taken to finalise the outcome as soon as practicable.
- The complainant or appellant will be given the opportunity to formally present their case at minimal or no cost.
- The complainant or appellant may be assisted by a support person at any relevant meetings, provided that person does not have a conflict of interest. For example, it may not always be appropriate for an education agent to be present.
- DET (IED) will conduct the assessment of a complaint or appeal in a professional, fair and transparent manner.
- DET (IED) will consider the Victorian Charter of Human Rights and Responsibilities when assessing a complaint or appeal.
- DET (IED) will provide the complainant or appellant with a written statement of the outcome of the complaint or appeal, including detailed reasons for the outcome, within 10 working days of completion.
- An internal appeal written statement of the outcome will also inform the appellant of their right to access an external complaints handling and appeals process at minimal or no cost with the Victorian Ombudsman and will include contact details.

#### International Education Division

Department of Education and Training

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- DET (IED) will comply with a decision or recommendation in favour of the student made as a result of an internal, or any external, complaints handling or appeal process, and will immediately implement the decision or recommendation and/or take the preventative or corrective action required by the decision and advise the complainant or appellant of that action.
- DET (IED) will keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.

### Formal complaints

- Complainants can lodge a formal complaint with DET (IED) if the matter has not been satisfactorily resolved informally.
- DET (IED) requires that formal complaints are submitted in writing.
- DET (IED) prefers that the [ISP Complaints Form](#) available under *Brochures and Forms* on the [www.study.vic.gov.au](http://www.study.vic.gov.au) website is completed and submitted, however, formal complaints will be considered in other written formats.
- The completed [ISP Complaints Form](#) should be submitted to [isfinance@edumail.vic.gov.au](mailto:isfinance@edumail.vic.gov.au) and should clearly outline the student name and ID, the reason for the complaint, and what outcome the complainant is seeking.
- Formal complaints will be directed to a manager within DET (IED) who is best placed to resolve the matter.
- In some cases, DET (IED) may determine that the matter is best dealt with via the [DET school complaints process](#) and direct the complainant to this process.
- Complaints about the following matters will be dealt with as appeals:
  - the outcome of a formal complaint
  - a decision to issue a Notice of Intention to Expel and Report for Non-Payment of Fees
  - a decision to issue a Notice of Intention to Report and Defer, Suspend or Cancel a student's enrolment due to misbehaviour
  - a decision to issue a Notice of Intention to Report and Defer, Suspend or Cancel a student's enrolment due to unsatisfactory course progress or attendance
  - a decision to deny a request for deferral
  - a decision to deny a request for a school transfer
  - a decision relating to a refund request
  - a decision relating to any matter under section 33(3) or 34(2) of *Ministerial Order 819 – Fees for Overseas Students in Government Schools* (Ministerial Order 819).

### Internal appeals

- Complainants can request an internal appeal if they think DET (IED) has made in error in relation to the outcome of a formal complaint or if they wish to appeal one of the decisions outlined above.
- Complainants who are dissatisfied with the outcome of a complaint have 20 working days to lodge an appeal from the date they receive written notification from DET (IED) of the complaint outcome or from when they are informed of one of the decisions above. The exception is when a decision has been made relating to a refund request or a decision under 33(3) or 34(2) of Ministerial Order 819, where the complainant has 28 days to lodge an appeal.
- The appeal application must set out the reasons for requesting a review and outline what outcome the appellant is seeking. The application and any supporting documentation should provide enough detail for the reviewer to make an informed decision about the request for appeal.
- DET (IED) prefers that appellants complete and submit the [ISP Appeals Form](#) available under *Brochures and Forms* on the [www.study.vic.gov.au](http://www.study.vic.gov.au) website, however, requests for an appeal will be considered when received in other written formats. Appeal applications should be emailed to [isfinance@edumail.vic.gov.au](mailto:isfinance@edumail.vic.gov.au).
- Internal appeals will be dealt with by a senior DET staff member who was not involved in the original decision or complaint.
- The internal appeal written outcome will inform the appellant of their right to access an external complaints handling and appeals process at minimal or no cost with the Victorian Ombudsman and include contact details.

### Enrolment during appeals

#### All ISP students

- A student's enrolment will be maintained during an internal appeal, but not during an external appeal, relating to non-payment of fees.

#### Students who hold a subclass 500 Student - Schools visa (standard and study abroad students)

- A standard or study abroad student's enrolment will be maintained during an internal appeal, and during an external appeal, relating to attendance or course progress.
- A standard or study abroad student's enrolment will be maintained during an internal appeal, but not during an external appeal, relating to misbehaviour.
- However, DET (IED) may suspend or cancel the enrolment of a standard or study abroad student at any time if the student's health and wellbeing, or the wellbeing of others, is likely to be at risk.

## External complaints and appeals

- As DET is a public provider, the Victorian Ombudsman deals with complaints and external appeals relating to DET's ISP. Parents, students and education agents can make a complaint to the Victorian Ombudsman at any time. However, the Victorian Ombudsman may ask the complainant or appellant to first access the ISP complaints and appeals process before dealing with the matter.
- DET (IED)'s internal appeal written outcome, sent within 10 working day of completion of the internal appeal, will inform the appellant of their right to access an external complaints handling and appeals process at minimal or no cost with the Victorian Ombudsman and will include contact details.
- The Victorian Ombudsman's Office can be contacted using the following methods:
  - **Online:** [www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint](http://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint)
  - **Telephone:** +61 3 9613 6222 or toll free (regional areas only) on 1800 806 314 on Monday to Friday between 9am - 5pm. Deaf or hearing-impaired TTY users phone 133 677 then +61 3 9613 6222.
  - **Letter:** Victorian Ombudsman, Level 2, 570 Bourke Street, Melbourne VIC 3000, Australia
- Please note, in most cases, the purpose of the external appeals process is to consider whether DET (IED) has followed its policies and procedures, rather than to make a decision in place of DET (IED).
- An appellant can submit a request for an external appeal to the Victorian Ombudsman within 12 months of receiving an internal appeal written outcome. However, if DET (IED) is not advised of an external appeal being lodged within 10 working days following an internal appeal relating to student attendance or course progress, DET (IED) will suspend or cancel a standard or study abroad student's enrolment and report the student, as required under the *National Code of Practices for Providers of Education and Training to Overseas Students 2018* (Cth).
- DET (IED) will comply with a decision or recommendation in favour of the student made by the Victorian Ombudsman and will immediately implement the decision or recommendation and/or take the preventative or corrective action required by the decision and advise the complainant or appellant of that action.

## Interpreter assistance

- If complainants or appellants require an interpreter to assist with phone calls, they can contact the Translating and Interpreting Service (TIS) on +61 3 9268 8332, advise of the language and dialect assistance that they require, and ask TIS to call IED, in the Department of Education and Training, on +61 3 7022 1000 between 9.00am to 4.00pm Australian Eastern Standard Time from Monday to Friday, excluding Victorian public holidays. Complainants or appellants will not be charged for the translation service.

## Roles and responsibilities

- The **Secretary, DET**, has the authority to review decisions under Part 8A of the *Ministerial Order 819 – Fees for Overseas Students in Government Schools*. The Secretary's authority has been delegated to the following positions in DET:
  - Deputy Secretary, School Education Programs and Support Group (SEPS)
  - Assistant Deputy Secretary, Schools, SEPS
  - Executive Director, IED
  - Director, Internationalisation, IED
  - Manager, Finance and Business Improvement, IED
  - Manager, International Education Strategy and Projects, IED
  - Manager, International Student Services, IED.
- Internal appeals relating to other matters are also addressed by the positions above.
- The **Manager, Finance and Business Improvement Unit, IED**, is responsible for the maintenance and updating of this policy.
- The **Executive Director, IED**, is responsible for the approval of this policy as the nominated Principal Executive Officer of DET as a Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered provider.
- Please see the [ISP Complaints and Appeals Procedure](#) for further details about DET roles and responsibilities in relation to formal complaints and appeals.

## Legislation

- *Migration Act 1958* (Cth)
- *Education Services and Overseas Students Act 2000* (Cth)
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth)
- *Education and Training Reform Act 2006* (Vic)
- *Ministerial Order 819 – Fees for Overseas Students in Government Schools* (Vic)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Health Records Act 2001* (Vic)
- *Privacy and Data Protection Act 2014* (Vic)
- *Public Records Act 1973* (Vic)

## Associated documents

- [ISP Complaints and Appeals Procedure](#)
- [ISP Complaints and Appeals Process Guide](#)
- [ISP Complaints Form](#)
- [ISP Appeals Form](#)
- ISP Complaints Acknowledgement Letter Template
- ISP Appeals Acknowledgement Letter Template
- ISP Complaints Outcome Letter Template
- ISP Appeals Outcome Letter Template
- Letters of Offer and Written Agreements
- [ISP Terms, Conditions and Policies](#)
- DET Instrument of Delegation 2019/D03

## Definitions

- **DET (IED)** Department of Education and Training – International Education Division. IED is the division in DET that administers the International Student Program in Victorian government schools. IED is not a separate entity to DET. DET is the CRICOS registered provider.
- **School** for the purpose of this document is defined as a school accredited by DET (IED) to deliver an ISP.
- **Education agents** are accredited by DET (IED) to recruit students for an ISP course.
- **International Student Program (ISP)** for the purpose of this policy is defined as the program administered by the DET International Education Division (IED).
- **ISP international students (students)** are all international students enrolled in DET's ISP.
- **Parent** refers to the parent(s) or legal guardian(s) of an international student.
- **School** for the purpose of this document is defined as a school accredited by DET (IED) to deliver an ISP.
- **Standard or Study Abroad students** are international students enrolled in the ISP holding a subclass 500 Student - Schools visa.

## Policy contact and maintenance officer

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## Authorised

Executive Director, International Education Division

**Date of authorisation:** 29/11/2019

**Review frequency:** This policy will be reviewed at minimum every 24 months or when any changes arise impacting its currency, including legislative or regulation change.