

## 003-PP-MGS Student Complaints and Appeals Policy

### 1. Purpose and Scope

This policy deals with student complaints as well as appeals against decisions made by MGS, whether academic or non-academic. The policy applies to both local and international students (though clearly some provisions are specific to student visa holders).

It deals with the requirements of:

- National Code Part D, Standard 8 / BOSTES Guidelines, Requirement 3.14:  
Complaints and Appeals

### 2. Access to the Policy and Procedure

This policy must be readily accessible to students. It is MGS policy to make it available to students in the following ways, as a minimum:

- downloadable from the MGS website
- available in the Student Handbook
- available from Reception or Student Services

The policy will be available both in the full version (this document) and a simplified version (042-Plain English Complaints Appeals).

This policy, including the need to maintain the student's enrolment while an appeal is on-going, will also be explained during orientation – see 052-Student Support Services.

### 3. Complaints and Appeals Policy

Students may make a complaint or appeal at any time (except where a limited time is allowed to appeal a decision such as to terminate the student's enrolment).

The student's enrolment will be maintained during any internal complaint or appeal, and the student will be expected to continue to come to class and be subject to 096-Attendance Policy. If the appeal is against a decision to report through PRISMS for unsatisfactory course progress or unsatisfactory attendance, MGS will also maintain the student's enrolment during an external appeal process; the number of external appeals in this situation is intentionally limited to one to avoid the possibility of the situation being drawn out indefinitely through multiple appeals. This does not prevent the student from making further appeals after the cancellation of enrolment has been initiated.

Maintaining enrolment is not necessary if the external appeal is against a decision to defer or suspend the student's enrolment due to misbehaviour, or to cancel the student's enrolment.

The aim of the complaints and appeals procedure is to reach a determination about whether or not to uphold the complaint/appeal, and where appropriate, to recommend changes to MGS's policies and procedures to avoid the same issue arising in the future.

MGS does not charge for the internal complaints and appeals processes, or for its involvement with the Overseas Students' Ombudsman, or ACPET or the Department of Fair Trading for local students, acting as external appeals bodies.

This policy does not apply to complaints relating to instances of Reportable Conduct as described in the NSW Ombudsman Act 1974 relating to child protection requirements (038-PP-MGS Child Protection Policy)

Confidentiality must be maintained. Information about the complaint or appeal should only be provided to the student him/herself, their parent, legal guardian and/or in-Australia guardian, to staff involved with handling the complaint and senior management, or to government bodies and other organisations carrying out legitimate audits or who are acting as external bodies involved in the complaint.

Nothing in this document inhibits students' rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.

#### **4. Complaints and Appeals Procedure**

In the procedure below, if the Student Services Officer (SSO) is the subject of the complaint, the PEO/Headmaster will select another person to perform the SSO's role in this procedure.

- 1 Students may initiate a complaint by speaking to any staff member they feel comfortable talking with. Alternatively, their guardian, homestay family or parent may instigate the complaint on the student's behalf, by contacting the SSO.
- 2 In the first instance, attempts should be made to resolve any issue informally, in discussion with the relevant Teacher, Counsellor, Student Services Officer (SSO) or Director of Welfare and Operations or Director of Curriculum and Compliance.
- 3 Serious matters that may involve criminal activity should be immediately referred to the PEO/Headmaster, who will decide whether to involve the police.
- 4 If the complaint or appeal can't be resolved informally, the student should be asked to submit 377-FM-MGS Complaint Form or 355-FM-MGS Student Appeals Form, as appropriate, along with supporting evidence. Students may need assistance, especially if they are younger or have limited English. The Student Services Officer may provide help.
- 5 Once the complaint or appeals form is handed in, the SSO verifies that the date on the form is the date that the form was provided to MGS, and provides a written receipt to the student with the correct date. The SSO also informs the student that:
  - the investigation will commence within 10 working days;
  - either party may request a meeting to discuss the matter and that they may bring with them any appropriate person to provide practical and/or moral support;
  - (where appropriate) their enrolment will be maintained during the complaints/appeals process, and the attendance policy still applies;
  - they will be contacted once the investigation is concluded to ensure that a resolution has been achieved;
  - they can appeal to an external body at any time, though most external bodies will require that internal complaints/appeals processes has been completed first; and
  - they may call the federal education department's ESOS Helpline on 02 6240 5069, though the education department will only investigate whether the National Code was followed
- 6 The SSO then files the original completed complaints form or appeals form in the Complaints/Appeals Folder kept in the Student Services Office, places one copy of the form in the students' file and provides another copy to one of the following:
  - the appropriate teacher (if the complaint relates to fellow student or students)

- the direct manager of the person subject to the complaint (if the complaint relates to a staff member)
- the director (if the complaint relates to the PEO/Headmaster)

The SSO also enters the details of the complaint in the Complaints/Appeals register.

- 7 The staff member mentioned in the previous step investigates the complaint/appeal in order to establish the facts of the matter. For complex matters, a short written investigation plan may be appropriate. This may include an interview with the student making the complaint. It may be appropriate, especially with serious complaints, to include a scribe in the meeting who will keep records of what was said, for signing by both parties to show they agree it's a true representation of what was said, and for subsequent filing with the original complaint.
- 8 The investigating staff member then presents the facts to the PEO/Headmaster, unless the PEO/Headmaster is a subject of the complaint in which case the facts are presented to one other board member. This additional person then discusses the complaint/appeal with the investigating staff member, and together they reach a decision, consulting others as appropriate. Investigation must be started within ten working days of the date the complaint was received, and all reasonable steps must be taken to finalise the matter as soon as practicable. It should be prioritised in such a way that, as far as is feasible, it doesn't adversely affect the student's enrolment or ability to progress from ELICOS to high school.
- 9 Once a decision has been made, the investigating staff member writes a letter to the student containing a statement of findings: in other words, the decision made at each stage of the appeal and details of the reasons for it. The letter also informs the student that if they are not happy with the result they have the option of taking the matter up with an external body: the Overseas Students Ombudsman, ACPET or the Department of Fair Trading as appropriate, and that MGS will assist them in this.
- 10 The investigating staff member hands the letter to the SSO. Then SSO places one copy in the Complaints/Appeals file and another copy in the student's file, with the copies of the complaint form. The SSO also updates the Complaints/Appeals Register.
- 11 The SSO hands the letter to the student at the earliest possible opportunity, reiterating orally the options the student has. If it is not practicable to hand it over in person, the SSO contacts the student by phone and/or email, and posts the letter to the student's last known address.
- 12 The PEO/Headmaster (or Director if the PEO/Headmaster was a subject of the complaint) ensures that any corrective action determined through the complaints process is implemented.
- 13 If the student accepts the outcome, the SSO records this in the Complaints/Appeals register, and also in the other places where the complaint was filed. Otherwise, the SSO should offer the student the opportunity to appeal to the Overseas Students' Ombudsman (OSO), or ACPET or the Department of Fair Trading for local students, as appropriate, and if this option is taken up, should assist the student in doing this. The SSO should also record any information that MGS receives from the OSO with the original complaint forms, and also inform the person consulted at Step 6 of this information.
- 14 If an external appeal process decides in favour of the student, MGS will as soon as practicable implement the decision and/or take any action that the external body requires. MGS will also advise the student of the outcome and the action to be taken at the earliest opportunity. The PEO/Headmaster (or Director if the complaint is about the PEO/Headmaster) supervises that corrective action to ensure that it is carried out

efficiently, effectively and fairly, and that the action is recorded together with the original complaint.

## 5. Revision history

Review date: 27 March 2017

Version	Date	Description of modifications
6.0	20 Dec 2015	Comprehensive review
6.1	28 Feb 2016	Revisions reflecting changes of job titles and responsibilities
6.2	27 Mar 2016	Roles, responsibilities and procedures