

003 - PP -MGS **Complaints and Appeals Policy**

1. **Purpose and Scope**

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

It deals with the requirements of:

- National Code Standard 10 for International Students and Parents Complaints and Appeals
- NESGA Guidelines, 3.13 for Domestic Students and Parents' Complaints and Appeals

2. **Access to the Policy and Procedure**

This policy is readily accessible to international and domestic students and parents. It is MGS policy to make it available in the following ways, as a minimum:

- downloadable from the MGS website
- 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 to international students during orientation – see 052-Student Support Services.

3. **Complaints and Appeals Policy**

Parents or 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 and Monitoring Policy. If the appeal is against a decision to report through PRISMS (International Students only) 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 international students for the internal complaints and appeals processes, or for its involvement with the Overseas Students' Ombudsman, or with domestic students who make a complaint and the school is required to undertake an appeal process.

This policy does not apply to complaints relating to instances of Reportable Conduct as described in the Children's Guardian Act of 2019 (No. 25) 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 through other legal remedies.

4. Complaints and Appeals Procedure

In the procedure below, if the Student Services Officer (SSO) or Director of Curriculum and Compliance or the Director of Welfare and Operations is the subject of the complaint, the PEO/Headmaster will select another person to perform their role in this procedure.

- 1 Parents or students may initiate a complaint by speaking to any staff member they feel comfortable to bring it to their attention. Alternatively, international students to their guardian, homestay family or parent or domestic students to their parents and may instigate the complaint on the student's behalf, by contacting the PEO/Headmaster.
- 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), Director of Welfare and Operations or the 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 parent or student should be asked to submit 377-FM-MGS Complaint Form or 355-FM-MGS Student Appeals Form, as appropriate, along with supporting evidence. International students may need assistance, especially if they 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 parent or student with the correct date. The PEO/Headmaster or a delegate may inform the international/domestic parent or student that:
 - the investigation will commence within 10 working days;
 - either party may request a meeting to discuss the matter and they may bring with them an 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;
 - international students can appeal to an external body at any time, though most external bodies will require that internal complaints/appeals processes have been completed first; and
 - For international students, s/he may call the federal education department's ESOS Helpline on 02 6240 5069, to investigate whether the National Code was followed.
 - Domestic students or parents may seek to appeal to the School Board.
- 6 The SSO then files the original completed complaints form or appeals form in the Student's File kept in the Administration Office, and provides another copy to one of the following:
 - the appropriate teacher (if the complaint relates to a fellow student or students)
 - the PEO/Headmaster or the direct manager of the person subject to the complaint (if the complaint relates to a staff member)
 - the Chairperson (if the complaint relates to the PEO/Headmaster)

- 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 staff member, parent and/or 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 the Chairperson. This additional person then discusses the complaint/appeal with the investigating staff member, and together they reach a decision, consulting others as appropriate. The 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 in the case of international students s/he's 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/parent containing a statement of findings: in other words, the decision made at each stage of the appeal and details of the reasons for it. Additionally, for international students the letter informs the parent or student that if they are not happy with the result they have the option of taking the matter to an external body: the Overseas Students Ombudsman, ACPET or the Department of Fair Trading as appropriate, and MGS will assist them in this.
- 10 The investigating staff member hands the letter to the SSO. Then SSO places one copy in the in the student's file, with the copies of the complaint form.
- 11 The SSO forwards the letter to the parent 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 parent by phone and/or email, and posts the letter to the parent's last known address.
- 12 The PEO/Headmaster (or Chairperson if the PEO/Headmaster was a subject of the complaint) ensures that any corrective action determined through the complaints process is implemented.
- 13 If international or domestic parents accept the outcome, the SSO records this in the student's file. Otherwise, for international students the SSO should offer the parent the opportunity to appeal to the Overseas Students' Ombudsman (OSO) or ACPET or the Department of Fair Trading. If this option is taken up, MGS should assist the parent 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.

For parents of domestic students who do not accept the outcome they may wish to make an appeal to the School Board.
- 14 If an external appeal process decides in favour of the international parent about 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 Chairperson if the complaint is about the PEO/Headmaster) supervises that corrective action to ensure that it is carried out efficiently, effectively and fairly, and the action is recorded with the original complaint.
- 15 If an appeal process through the School Board decides in favour of the domestic parent about the student, MGS will as soon as practicable implement the decision. MGS will also

advise the student of the outcome and the action to be taken at the earliest opportunity. The PEO/Headmaster (or Chairperson if the complaint is about the PEO/Headmaster) supervises that corrective action to ensure that it is carried out efficiently, effectively and fairly, and the action is recorded with the original complaint.

5. Revision History

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
6.3	18 Mar 2018	Updated Terminology, Roles, responsibilities and procedures
6.4	14 May 2018	Updated Roles, responsibilities and procedures
6.5	18 June 2018	Updated Roles, responsibilities and procedures
7.0	22 March 2023	Reviewed Roles, responsibilities and procedures