

## Overseas Students' Complaints and Appeals Policy

Tintern Grammar (**Tintern**) is committed to creating fair processes to resolve complaints brought forward by Overseas Students. Tintern acknowledges that parents, Overseas students and staff have a right to raise concerns and have them addressed by the appropriate authority and seeks to achieve and maintain a setting that encourages a productive and harmonious environment for Overseas Students.

To maintain good relationships, grievances or conflicts should be resolved quickly, impartially and fairly, so that all parties achieve satisfactory outcomes.

### COMMENCEMENT, VARIATION AND COMMUNICATION

This policy commences operation on 24 March 2022. The policy is subject to variation by Tintern Grammar from time to time.

### Purpose

- Tintern is a community where individuals should feel free to express their points of view respectfully, openly and honestly. This Policy established the approach Tintern will adopt to address complaints by Overseas Students.
- Tintern aims to foster a culture in which appropriate standards of conduct are maintained by Overseas students at all times, and that complaints are managed and resolved fairly and promptly and in accordance with relevant legislation. Tintern aims to provide a harmonious, positive and productive environment and supports the practices of dispute resolution and confidential mediation as a means to resolve issues.
- The purpose of the Tintern Grammar Overseas students' Complaints and Appeals policy is to provide a student the opportunity to access procedures to facilitate the resolution of a dispute or complaint.
- The complaints and appeals processes are conciliatory and non-legal Complaints against other students.
- Grievances brought by an Overseas student against another student will be dealt with under the School's Behavioural Guidelines, as outlined in the Student Handbooks.

### Scope

This Policy applies to all staff members, Home Stay Hosts, Local Support Persons and Overseas students of Tintern.

### Definitions

**Complaint** means an expression of dissatisfaction made to Tintern by an Overseas student, related to the conduct of Tintern activities, dealings with Tintern, Tintern's education agents or any related party Tintern has an arrangement with to deliver the Overseas student's course of related services, or the resolution process itself, where a response is explicitly or implicitly expected during the period of enrolment at Tintern. For the sake of simplicity, the term 'complaint' will be

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used in the context of this Policy and procedure to refer to grievances, complaints and interpersonal disputes, but does not include matters relating to the safety of a child or whistleblowing.

**Overseas Student** means a person (whether within or outside Australia) who holds a student visa as defined by the *Education Services for Overseas Students Act 2000* (Cth) (**ESOS Act**) but does not include students of a kind prescribed in the ESOS Regulations. Where the student is under 18 years of age and the student is required to exercise rights or enter obligations as a legal person, this term may refer to the student's parents or legal guardian.

## Policy

- Tintern is aware that Overseas students may encounter certain problems and difficulties during their period of enrolment at Tintern. This process is designed to assist Overseas students (hereafter, the **student**) with the resolution of any complaint.
- The process of this Complaints and appeals procedure is confidential and any Complaints or appeals are a matter between the parties concerned and those directly involved in the complaints handling process.
- If a concern arises, the Overseas student, homestay family, or staff member will initially make contact with the International Student Coordinator who, in consultation with the Assistant Principal, will make a time to conduct a process of mediation. This will usually involve all relevant parties, including the Student's Home Stay Host and Local Support Person, in order to achieve an acceptable outcome to the complaint.
- Should mediation not achieve an acceptable outcome for the Student, the School will assist in arranging external conciliation in order to settle the matter. Possible bodies with whom such arrangements might be made include the Association of Independent Schools, the Victorian Association of School Counsellors, a private conciliator, dispute resolution counsellor or a nominee of the student, if the student so chooses.
- Until the complaints and appeals process is completed, the School will maintain the enrolment of the Student. This means the school will not notify the Department of Home Affairs (**DOHA**) of any change to the student's enrolment status through the Provider Registration and International Student Management System (**PRISMS**). However, depending on the nature of the claim, the student may not be allowed to attend classes during this time.
- If an appeal is made against the School's decision to report the student for unsatisfactory results or attendance, the School will maintain the Student's enrolment until the external complaints process is complete.
- If an appeal is made against the School's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, the School will await the outcome of the external appeals process before notifying DOHA through PRISMS of a change in the Student's enrolment.
- This Policy does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies.

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## Internal Complaints and Appeals Process

- The student, the homestay family, the Overseas Student's local support person or a member of staff at Tintern makes a complaint to the Form Teacher, Home Stay Co-ordinator or member of staff of Tintern either verbally or by emailing. Any Complaint will be brought to the attention of the Vice Principal and begin being assessed within 10 working days of it being lodged.
- For the duration of the Complaints and appeals process, the student is required to maintain enrolment and attendance at all classes as normal
- Tintern will recognise receipt of the Complaint and commence assessment of the Complaint within 10 working days of it being made and will finalise the outcome as soon as practicable.
- The International Student Coordinator will meet with the Assistant Principal in order to assess the Complaint and determine the best way of resolving the complaint. Grievances brought by a student against another student will be dealt with under the School's Code of Conduct.
- The Complaint will be assessed in a professional, fair and transparent manner.
- The student's local support person and parents will be informed of the Complaint and can participate in the resolution of the Complaint if the student wishes to be accompanied by a support person.
- Mediation will then occur, with the formality of the process dependent on the nature of the Complaint. This allows the parties to explain the nature of the Complaint and discuss possible ways to remedy the situation.
- The parties will then be brought together (if appropriate) in a more formal setting in an effort to come to an agreeable resolution. The Assistant Principal will mediate during the discussions. Each party will be able to have their own say. The student may be accompanied and/or assisted by their local support person or parent/s if desired.
- If a positive resolution is then reached, Tintern will immediately implement the decision and any corrective and preventative action required. Regular monitoring of the situation by the Assistant Principal will take place to ensure the problem does not occur again.
- Tintern will provide a written statement of the outcome to the student, including details and reasons for the outcome. It will also ensure that the processes are completed as soon as practicable.
- If successful resolution has not been achieved, then it may be necessary for further consultation and the matter can be referred to the Level Co-ordinator, Head of School, either Vice Principal for settlement..
- Students are able to appeal written outcomes.
- Internal complaints and appeals processes are available to Students at no cost
- Each Overseas student has the opportunity to present their case to the Principal.
- Students may be accompanied and assisted by a support person at all relevant meetings.
- Written appeals are to be lodged with the Principal.
- Where this internal complaints and appeals process is being accessed because the student has received notice from Tintern that Tintern intends to report her/him for unsatisfactory course attendance, unsatisfactory course progress or suspension or

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cancellation of enrolment, the student has 20 days from the date of notification in which to lodge a written appeal.

- All appeals will be commenced within 10 working days of receipt of the appeal.
- The Principal will hear internal appeals and will provide a written statement of the outcome to the Student, including details and reasons for the outcome. It will also ensure that the processes are completed in a professional, fair and transparent manner as soon as practicable.
- If the appeals process finds in favour of the student, Tintern will immediately implement the decision and any corrective and preventative action required.
- If the Student is not happy with the outcome of their Complaint, or appeal of the outcome, they have the right to access an external appeals process at no cost.
- Tintern undertakes to finalise all grievance procedures within 20 working days of receipt of the Complaint or appeal.
- The School will keep a written record of Complaints or appeals on the student's file, including a statement of the outcome and reasons for the outcome.
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## **External complaints and appeals process**

- The process of this Complaints and appeals procedure is confidential and any Complaints or appeals are a matter between the parties concerned and those directly involved in the complaints handling process.
- If a successful resolution is not achieved and where the student remains dissatisfied and would like access to an external counsellor or other independent body, the School Tintern will provide assistance with contact details for referral within 10 working days of their right to access an external appeals process. The external appeals process can be accessed for minimal or no cost. The providers available are:

Overseas Students Ombudsman  
GPO Box 442 Canberra ACT 2601  
Phone: 1300 362 072 (within Australia)  
Phone: +61 2 6276 0111 (outside Australia)  
Fax: +61 2 6276 0123  
Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)  
Web: [www.oso.gov.au](http://www.oso.gov.au)

Department of Justice  
Dispute Settlement Centre of Victoria  
Level 4, 456 Lonsdale Street Melbourne VIC 3000  
Phone: 1800 658 528 (within Australia)  
Phone: +61 3 9603 8370 (outside Australian)  
Fax: +61 3 9603 8355  
Email: [dscv@justice.vic.gov.au](mailto:dscv@justice.vic.gov.au)  
Web: [www.justice.vic.gov.au/disputes](http://www.justice.vic.gov.au/disputes)

- In most cases, the purpose of the external appeals process is to consider whether

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Tintern has followed its policies and procedures, rather than make a decision in place of Tintern.

In the event that no resolution is possible using the resources within the School, the Principal will pass the complaint to an independent Appeals Body. If this situation arises a student has access to legal aid for arbitration of the issues.

Further assistance may be sought from:  
Dispute Resolution Centre of Victoria  
235 Queen Street, Melbourne, Vic 3000  
Tel: 9603 8370

OR  
The Overseas Students Ombudsman  
1300 362 072  
<http://www.oso.gov.au/>

Outside Australia, call **+61 2 6276 0111**.

## **APPROVAL**

Policy Approved By: Tintern Grammar  
Executive

Owner: Assistant Principal

Date Approved: March 2022

Revision Date: March 2024