

UWA CELT

Complaints and Appeals Policy



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Approver UWA CELT Director

Acknowledgement

The University of Western Australia acknowledges that its campus is situated on Whadjuk Noongar land, and that the Whadjuk Noongar people remain the spiritual and cultural custodians of their land, and continue to practise their values, languages, beliefs and knowledge.

1. Background

UWA CELT is committed to delivering a high standard of education and training services to all of its students. One way that UWA CELT fulfils this commitment is by ensuring that all students have access to a fair complaints and appeals process.

Additionally, UWA CELT has obligations under the *Education Services for Overseas Students Act 2000 (ESOS Act)*. The ESOS Act regulates the delivery of education and training courses to overseas students who come to Australia to study on a student visa. One of the functions of the ESOS Act is to set up a National Code which provides standards for all registered providers including UWA CELT.

Standard 10 of the National Code requires UWA CELT to have complaints and appeals processes that are independent, easily and immediately accessible and inexpensive for the parties involved.

2. Purpose

This policy explains how UWA CELT handles complaints and appeals made by UWA CELT students or applicants. It contains the process to be followed by the students or applicants if they wish to make a complaint or appeal a decision.

3. Scope

Subject to the exclusions outlined in this section, this policy applies to:

- a. all UWA CELT students who have accepted UWA CELT Conditions of Enrolment and paid the first instalment of their fees; and
- b. all applicants who formally applied to be enrolled at UWA CELT.

4. Definitions

Appeal means a written appeal against a decision made by UWA CELT lodged in accordance with this policy.

Appellant means a person specified in this policy's scope who appeals in accordance with it.

Complaint means an expression of dissatisfaction, described in section 6 below, and lodged in accordance with this policy.

Complainant means a person specified in the scope of this policy who makes a complaint in accordance with this policy.

DHA means the Department of Home Affairs.

ESOS Act means the *Education Services for Overseas Students Act 2000*.

National Code means the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* established under the ESOS Act.

UWA CELT Student means a student who is enrolled with UWA CELT to study a program of studies which is delivered by UWA CELT.

Vexatious Complaint means a complaint without merit, which intends to cause inconvenience, harassment or expense to UWA CELT.

5. Policy Statement

UWA CELT is committed to complaint and appeal processes which help ensure that UWA CELT students have a fulfilling and rewarding learning experience.

5.1 UWA CELT's Commitment to Procedural Fairness

The following principles apply to the complaint and appeal processes set out in this policy:

- a. where possible and appropriate, Complaints are handled informally by the first point of contact;
- b. all Complaints and Appeals are finalised within a reasonable timeframe, taking into consideration factors such as the length of the UWA CELT student's visa and the student's enrolment in future subjects and/or programs, where applicable;
- c. the principles of procedural fairness and natural justice apply to all Complaints and Appeals;
- d. where Complaints are about a person's behaviour, all parties involved in the Complaint or Appeal must maintain confidentiality about the complaint or appeal;
- e. notes and documentation are kept at all stages of the Formal Review and Internal Appeal Process including records of meetings, discussions and actions proposed or taken;
- f. information and records about a Complaint are confidential and should only be disclosed to staff of UWA CELT or UWA CELT staff with direct involvement in the process to enable proper investigation of the matter. However, UWA CELT may disclose records about a Complaint to its legal advisers, insurers and, if necessary, to an external agency;
- g. all Complainants who seek a Formal Review or an Internal Appeal under Stages 2 and 3, will be provided with a written statement of the outcome of their complaint or appeal, including the reasons for the decision; and
- h. at any stage a Complainant may decide to withdraw a Complaint or an Appeal. Where the Stage 2: Formal Review Process or the Stage 3: Internal Appeal Process is underway, any withdrawal must be in writing (this may be by email). In most instances UWA CELT will then deem the Complaint or Appeal resolved.

5.2 Complainants' Rights Under This Policy

All Complainants accessing the Complaints and Appeals processes set out in this policy can expect the following:

- a. there is no direct cost to a Complainant for making a Complaint or requesting an Appeal;
- b. Complainants will not suffer any reprisal as a result of lodging a Complaint or an Appeal;
- c. Complainants may be accompanied by a support person during the Complaints and Appeals process;
- d. Complainants may choose to have their Complaint reviewed by an external complaint handling body (see section 7.4).

Complainants' Obligations Under This Policy

Similarly, Complainants who engage in the Complaints and Appeals process set out in this policy are expected to:

- a. act in good faith;
- b. avoid making Vexatious Complaints;
- c. provide proper documentation where required;
- d. meet timeframes stipulated under this policy; and

- e. maintain confidentiality where a Complaint is about a person's behaviour (see section 6.2 below).

6. Types of Complaints

There are three types of Complaints within the scope of this policy:

6.1 Complaints About Academic Decisions and Matters

Students may make a Complaint about academic decisions and matters where any of the following apply:

- a. the Complaint relates to a lack of procedural fairness or inconsistent application of UWA CELT policy or procedure; or
- b. the UWA CELT Student does not consider the matter has been satisfactorily resolved under the relevant UWA CELT policy or procedure, for example, they are not happy with the outcome of their request for a remark, or the UWA CELT Student does not believe they should have received a letter indicating UWA CELT's intention to report the UWA CELT Student to the DHA for unsatisfactory academic progress or attendance.

Complaints About a Person's Behaviour

Complainants may make a Complaint relating to the behaviour of:

- a. other UWA CELT Students of or applicants to UWA CELT;
- b. academic staff (including contract staff and guest lecturers);
- c. professional and technical staff (including casual and contract staff); and people external to UWA CELT with whom UWA CELT Students interact as part of a program of studies.

Where UWA CELT considers that the behaviour complained about may amount to misconduct or serious misconduct, other agreements, laws and policies, such as the Student General Misconduct or Academic Policy, will also apply.

6.2 Complaints About Administration or Process

Complainants may make a Complaint relating to administrative issues or processes including Complaints about the inconsistent application of UWA CELT policy or procedure, denial of procedural fairness, failure to provide rights and incorrect advice leading to detriment.

Examples include: any Complaints about administrative processes such as changes to enrolment, classes or program stream.

7. Complaints and Appeals Process

In most circumstances Complaints from UWA CELT Students follow a four-stage process:

7.1 Stage 1: Informal Complaint Process

This approach is suitable for straightforward issues that are urgent but not serious, or administrative in nature. Complainants are encouraged to attempt to resolve their Complaint informally by getting in touch with the original decision maker, Customer Service or a Student Adviser.

Stage 1: Informal Complaints are not generally made in writing.

Examples of informal complaints include:

- late return of assessment results
- disagreement over marks
- teacher quality feedback
- wrong information provided by staff
- wrong attendance recorded
- customer service feedback
- class and timetabling changes
- facilities/Wi-Fi complaints

7.2 Stage 2: Formal Review Process

To be used where the Stage 1: Informal Complaint Process does not resolve the Complaint or in the case of overseas UWA CELT Students, the UWA CELT Student has received a written notification from UWA CELT, such as a letter indicating an intention to report the UWA CELT Student to the DHA.

Stage 2: Formal Reviews must be requested in writing to the Centre Administration Manager, Director of Studies or Director as appropriate.

Examples of Complaints that may be submitted to formal review:

- incorrect issuing of intention to report
- refusal to issue a release letter
- refusal to change course
- all unresolved informal complaints
- refusal of repeat request
- bullying and harassment
- decision to cancel enrolment
- refusal to issue a refund
- refusal to allow leave of absence

7.3 Stage 3: Internal Appeal Process

An Appellant may appeal a decision made in the Stage 2: Formal Review Process or any decision or outcome arising from student misconduct.

Appeals may be made on the grounds of lack of procedural fairness only. Procedural fairness, also known as natural justice, is a principle of law concerned with the procedures used by the decision maker, rather than the outcome reached.

Stage 3: Internal Appeals must be made in writing to the Centre Administration Manager, Director of Studies or Director as appropriate.

If the outcome of the Appeal (internal or external) is favourable to the Appellant, UWA CELT will implement any decision and/or corrective action required.

7.4 Stage 4: External Appeal Process

An Appellant may lodge and Appeal with the relevant external agency, a decision made in the Stage 3: Internal Appeal Process, or otherwise at any point during the internal Complaints and Appeals process. Appellants should be aware that external agencies may require them to have lodged a Complaint or Appeal with UWA CELT before they become involved.

Appellants should also be aware that there is more than one external body that deals with Complaints and Appeals from UWA CELT Appellants and they should take care to direct their Complaint or Appeal to the correct external body (see section 9 below). Appellants should visit the websites of the external bodies or contact the external agency directly if they have any questions or require more information.

When an external Appeal is lodged by an overseas UWA CELT Student against the UWA CELT's decision to report the overseas UWA CELT Student for unsatisfactory course progress or attendance, UWA CELT will maintain the overseas UWA CELT Student's enrolment and not report the UWA CELT Student for unsatisfactory progress or attendance until the external Appeal process is complete.

8 How to Make a Complaint or Appeal

If you need help or have questions about the Complaints and Appeals process, speak to a Student Adviser or Customer Service. You can make an appointment in person at the Student Services Centre or via email at studentsupport-celt@uwa.edu.au

9 External Appeal Bodies

9.1 Unless the complaint is about discriminatory or criminal behavior of a person, all UWA CELT students should appeal to the [Western Australian Ombudsman](#)

9.2 Complaints About a Person's Behaviour

- (a) *Discriminatory Behaviour*: complaints that relate to the discriminatory behaviour of a person (whether in relation to age, disability, race or sex) should be referred to the [WA Equal Opportunity Commission](#)
- (b) *Criminal Behaviour*: complaints that relate to the criminal behaviour of a person should be referred to the [WA Police](#)

10. Legal and Policy Framework

This policy complies with and implements the *ESOS Act* and Standard 8 of the *National Code*.

ESOS Complaints and Appeals Procedure [Standard 10: Complaints and appeals - Department of Education, Australian Government](#)