

Navitas English Policy and Procedure Complaints Handling and Appeals

Document

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Policy Owner	Director, Student Services and Experience
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Version Control

Issue Date:	Summary of Changes	Review Date
29/08/2000	New	
18/06/2004	Reference to document IP 3.2 D1 has been deleted. Template format updated.	
02/07/2007	Update of document due to National Code 2007 changes; document title previously was Grievance Procedures for International Students	02/07/2009
01/02/2010	Reference to individuals' names deleted and positions left to allow for staff role changes	
04/03/2010	Updated to include WA specific content	04/03/2012
01/04/2010	Updated to include QLD specific contact information for Queensland student	01/04/2012
07/09/2010	Updated to include external appeal forum details	07/09/2012
10/03/2011	Updated definition section	10/03/2013
13/05/2011	Updated external appeal forum details	13/05/2013
27/07/11	Renamed policy number; Minor procedural update	27/07/2013
16/10/2013	Updated of DIAC to DIBP	16/10/2015
07/07/2016	Updated formatting, external appeals forum information and procedural updates	07/07/2018
29/11/2017	Updated to align and adhere to National Code 2018	29/11/2019
29/06/2019	Updated to make the policy more comprehensive with reference to feedback from TEQSA	29/06/2021
28/08/2019	Updated and renamed to further clarify the difference between complaints and appeals, with reference to feedback from TEQSA	28/08/2021

1. Policy

- a) Navitas English will maintain formal complaints and appeals procedures.
- b) Navitas English will respond to any complaint or appeal that a student makes regarding their dealings with Navitas English, Navitas English's education agents, or any related party with whom Navitas English has arrangements to deliver courses or services.
- c) Navitas English will ensure that the student is informed that they have the right to be represented by a third person (such as family member, friend, counsellor or other professional support person other than a qualified legal practitioner) if they so desire.
- d) All complaints and appeals will be treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- e) Attempts will be made to resolve complaints and appeals as close to the source as possible.
- f) Students will be informed in writing of the outcome of their complaint or appeal at each stage of the process.
- g) Where the appeal relates to suspension or cancellation of enrolment, unless a risk exists to either the student's health or wellbeing, or the wellbeing of others, the student's enrolment with Navitas English will be maintained and the student will be required to attend class whilst awaiting the outcome of the appeal process.
- h) Complainants and respondents will not be subject to discrimination or harassment resulting from their participation in the complaints process.
- i) If, at any time during the internal or external grievance process, a decision is made which supports the student, Navitas English will immediately implement the decision and advise the student of the outcome.
- j) Navitas English will ensure that all complaints are recorded, retained and periodically reviewed for the purposes of continuous improvement.

2. Purpose

- a) The purpose of this Policy and Procedure is to:
 - i. Ensure that Navitas English has formal procedures through which students can raise complaints regarding courses or services
 - ii. Set out the principles that are to govern Navitas English' response to complaints
 - iii. Allow students to appeal a position reached by Navitas English, including in response to a complaint
 - iv. Enable Navitas English to learn and improve from complaints and appeals, through ensuring that they are recorded, considered, resolved and reviewed
 - v. Ensure that staff and students are aware of the content of this policy and relevant associated procedures.

3. Scope

- a) Every prospective or current student of Navitas English, including those who experience incorrect, inappropriate or unfair treatment during their relationship with Navitas English, its agents and related parties providing courses and services, may access the procedures detailed in this policy.

4. Definitions

- a) **Centre Manager and Director of Studies (CM-DoS)** – The manager of a Navitas English centre.
- b) **Department of Home Affairs (DHA)** – The Australian Government interior ministry with responsibilities for border control, immigration, and the issue and cancellation of student visas.

- c) **Overseas Student Ombudsman (OSO)** – The government body mandated by the Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011 to investigate External Appeals.
- d) **Tertiary Education Quality and Standards Agency (TEQSA)** – Australia’s independent national quality assurance and regulatory agency for higher education and ELICOS providers with links to higher education providers.
- e) **Provider Registration and International Student Management System (PRISMS)** – A secure system for education providers to issue 'Confirmations of Enrolment (CoE)' to overseas students intending to study in Australia (the Department of Immigration and Border Protection requires these to issue a student visa), and report changes in course enrolment. PRISMS is administered by the Department of Education in association with the Department of Home Affairs.
- f) **Complaint** – An assertion by, or on behalf of, a student that someone or something is preventing the student from using a service or facility offered by Navitas English in the way the student expects, usually accompanied by a request to improve the student’s ability to use the service or facility to the student’s satisfaction.
 - i. **Formal Internal Complaint** – A complaint submitted in writing to a person in authority within Navitas English.
 - ii. **External Complaint** – A complaint submitted in writing to an independent, external body such as TEQSA.
- g) **Appeal** – The opportunity for a student, or a party acting on behalf of a student, to apply to senior management within Navitas and/or an appropriate external body and request a review and reconsideration of a position or outcome reached by Navitas English, including in relation to the outcome of a complaint. This includes an opportunity to present evidence to a person in authority to alter a provisional decision made to report a student to DHA for failure to comply with student visa requirements (as per Standard 8 of the National Code).
 - i. **Formal Internal Appeal** – An appeal submitted in writing to a person in authority within Navitas English.
 - ii. **External Appeal** – If a student is not satisfied with the outcome of a Formal Internal Appeals process, or otherwise, an appeal submitted in writing to an independent, external body such as the OSO.
- h) **eBecas** – Navitas English’s online student management system used for recording overseas students’ personal data, enrolment details, attendance and progress information, and records of counselling interactions, including those related to complaints and appeals.

5. Procedure

- a) There are distinct procedures applying to the administration of student complaints and appeals.
- b) The procedures cover:
 - i. Complaints – **see Section 5.1**
 - ii. Appeals - **see Section 5.2**
 - iii. Appeals against suspensions, cancellations and intentions to report to the Department of Home Affairs – **see Section 5.3**

5.1 Complaints

- a) The Complaints procedure includes, but is not limited to, issues related to:
 - i. Customer services and administration
 - ii. Refusing admission to a course or cancellation of enrolment
 - iii. Marketing-related information or incorrect advice given by an education agent
 - i. Course or provider transfers

- ii. Facilities
 - iii. Fee payments, fee refunds and finance related matters
 - iv. Welfare and accommodation.
- b) The Complaints procedure follows four stages:

5.1.1 Stage 1 – Informal Complaints

- a) Prior to lodging any formal complaint, Navitas English students are encouraged to contact any Navitas English staff member to discuss their complaint. Students should raise the matter as soon as possible after becoming aware of a problem.
- b) A support person may accompany students.
- c) The Navitas English staff member will discuss the matter with the student and seek to identify an immediate and acceptable resolution.
- d) In the event that the complaint cannot be resolved informally between the student and Navitas English, or the issue is of a serious nature that requires escalation, the student may lodge a Formal Complaint (Stage 2).

5.1.2 Stage 2 – Formal Complaints

- a) Students wishing to submit a Formal Complaint must do so by either:
 - i. Filling in the *Complaints Form* by themselves (the form is available on the Navitas English website or from Reception at each centre); or
 - ii. Informing the CM-DoS at the centre where they are studying. Students may then be referred to a staff member who can help them complete the *Complaints Form*.
- b) Completed Complaints Forms should be submitted to the CM-DoS either by email or in hard copy. Students may also email the form to:
NavitasEnglishNationalComplaintsandAppeals@navitas.com
- c) When a centre receives a Formal Complaint:
 - i. A message is sent to the complainant acknowledging receipt of the Formal Complaint and informing him or her that an outcome will be provided within 10 working days
 - ii. The CM-DoS assigns an appropriate 'Complaint Manager' to investigate, who is capable of doing so in a professional, fair and transparent way. Therefore, no one directly implicated in the Formal Complaint can be the Complaint Manager. Where a Navitas English Manager has been involved at the Informal Complaint stage, the matter must be referred to another independent and appropriate staff member to carry out Stage 2
 - iii. The Complaint Manager will arrange a follow-up meeting with the student within 2 working days to explain the complaints process to the student and begin investigating the Formal Complaint
- d) Navitas English will investigate all Formal Complaints with reference to:
 - i. The written details of the complaint appearing in the *Complaints Form* submitted by the student
 - ii. Any additional documentary evidence relevant to the Formal Complaint, including evidence submitted by the student
 - iii. Additional notes resulting from counselling meetings attended by students
 - iv. Testimonial by other parties, including staff and other students
 - v. Notes from classroom observations of teaching delivery (in the case of a Formal Complaint about a teacher's classroom performance).

5.1.3 Stage 3 – Internal Appeal of Formal Complaint outcome

- a) Where a student is not satisfied with the outcome of Stage 2, the student may lodge an internal appeal against the outcome, including but not limited to where the student believes that:
 - i. They did not have enough opportunity to present their case to the decision-maker
 - ii. The decision was affected by discrimination, prejudice or bias
 - iii. The process was not carried out in accordance with Navitas English policy or procedures
 - iv. The decision was made contrary to the evidence provided; or
 - v. The outcome imposed was excessive under the circumstances.
- b) Students wishing to appeal against the outcome of a Formal Complaint:
 - i. Must complete the *Appeals Form* detailing why they are not satisfied with the outcome of Stage 2 (the form is available on the Navitas English website or from Reception at each centre).
 - ii. May request assistance to complete the *Appeals Form* from the CM-DoS of the centre where they are studying.
- c) Completed *Appeals Forms* should be submitted to the CM-DoS by email or in hard copy within 5 working days of a student receiving written notification of the outcome of Stage 2. Students may also email the form to NavitasEnglishNationalComplaintsandAppeals@navitas.com
- d) Internal Appeals submitted are received by the CM-DoS, and may be referred to the Principal and/or Director, ELICOS, for review and consideration. Complainants or respondents (or both) may be asked to present their case in person to staff best-positioned to review and consider the appeal (for example, in the case of an appeal related to an academic issue the CM-DoS may ask a Senior Teacher to participate in the review)
- e) Where the CM-DoS is the subject or determined the outcome of a Formal Complaint, the Principal and/or Director, ELICOS must conduct the Internal Appeal of the Formal Complaint.
- f) The outcome of an Internal Appeal will be documented and provided to the student in writing, including detailed reasons for the outcome.

5.1.4 Stage 4 – External Complaints

- a) Where a student is not satisfied with the outcome of Stage 3, or otherwise, the student may refer a complaint to an independent External Complaint body as detailed below, including but not limited to where the student believes that:
 - i. They did not have enough opportunity to present their case to the decision-maker
 - ii. The decision was affected by discrimination, prejudice or bias
 - iii. The process was not carried out in accordance with Navitas English policy or procedures
 - iv. The decision was made contrary to the evidence provided; or
 - v. The outcome imposed was excessive under the circumstances
- b) Students should notify the CM-DoS of their intent to make an External Complaint.
- c) Upon receiving an External Complaint, the independent body may contact Navitas English and request a response and/or evidence.
- d) Navitas English prepares a response and submits this, together with accompanying evidence, to the independent body.
- e) After Navitas English submits its response, the independent body may request more information from the student.
- f) Having reviewed the evidence, the independent body issues the student and Navitas English its decision regarding the outcome of its review.
- g) If a decision is favourable to the student, Navitas English immediately advises the student and implements any decision and/or corrective and preventative action as required.

5.2. Appeals

- a) An Appeal provides the opportunity for a student, or a party acting on behalf of a student, to apply to senior management within Navitas and/or an appropriate external body and request a review and reconsideration of a position or outcome reached by Navitas English, including in relation to the outcome of a complaint (as detailed above in section 5.1.3).
- b) This includes an opportunity to present evidence to an appropriate person in authority to alter a provisional decision made to report a student to DHA for failure to comply with student visa requirements (as per Standard 8 of the National Code). This specific procedure is dealt with below in section 5.2.1 and 2.

5.2.1 Stage 1 – Internal Appeal

- a) Students have 20 working days from the date of being informed in writing of a position or outcome to submit an Internal Appeal.
- b) Students may be accompanied to any meetings by a support person if they wish.
- c) Additional meetings regarding a student's internal appeal may be arranged by a student at any time during the Internal Appeals period.
- d) Students wishing to submit an Internal Appeal must do so by either:
 - i. Filling in the *Appeals Form* by themselves (the form is available on the Navitas English website or from Reception at each centre), or
 - ii. Informing the CM-DoS of the centre where they are studying. Students may then be referred to a staff member who can help them fill in the *Appeals Form*.
- e) Completed *Appeals Forms* should be submitted to the CM-DoS either by email or in hard copy. Students may also email the form to NavitasEnglishNationalComplaintsandAppeals@navitas.com
- f) When a centre receives an Internal Appeal:
 - i. A message is sent to the complainant acknowledging receipt of the appeal, informing him or her that the Appeal will be commenced within 10 working days, and completed as soon as practicable
 - ii. The CM-DoS assigns an appropriate 'Appeals Manager' to investigate, who is capable of doing so in a professional, fair and transparent way. If there is reason to believe a member of staff with authority to receive and review formal appeals is not able to do so in a way which is professional, fair and transparent, an alternative Appeals Manager is assigned to the case. For example, if an academic complaint is made by a student against a Senior Teacher, the CM-DoS or a different Senior Teacher is assigned to the case.
- f) Navitas English will issue a written outcome to the Internal Appeal to the student as soon as practicable, including detailed reasons for the outcome.

5.2.2 Stage 2 – External Appeal

- a) Where a student is not satisfied with the outcome of Stage 1, the student may refer the matter to an independent External Appeals body within 5 working days of receiving written notification of the outcome of Stage 1, including but not limited to where the student believes that:
 - i. They did not have enough opportunity to present their case to the decision-maker, or
 - ii. The decision was affected by discrimination, prejudice or bias, or
 - iii. The process was not carried out in accordance with Navitas English policy or procedures, or
 - iv. The decision was made contrary to the evidence provided, or
 - v. The outcome imposed was excessive under the circumstances

- b) Students should notify the CM-DoS of their intent to seek an External Appeal.
- c) Upon receiving an External Appeal, the independent body may contact Navitas English and request a response.
- d) Navitas English prepares a response and submits this, together with accompanying evidence, to the independent body.
- e) After Navitas English submits its response, the independent body may request more information from the student.
- f) Having reviewed the evidence, the independent body issues the student and Navitas English its decision regarding the outcome of its review.
- g) If a decision is favourable to the student, Navitas English immediately advises the student and implements any decision and/or corrective and preventative action as required.

5.3 Appeals against suspensions, cancellations and intentions to report to the Department of Home Affairs

- a) Navitas English has legal obligations to report students who breach student visa requirements to the Department of Home Affairs.
- b) Through monitoring and reporting processes, Navitas English identifies students believed to be non-compliant with student visa requirements, including for the following reasons:
 - i. The student has failed to achieve satisfactory course progress (as per the *Policy & Procedure – Monitoring Students for Satisfactory Course Progress*).
 - ii. The student has failed to maintain the minimum overall attendance requirement of 80% (as per the *Policy and Procedure – Student Attendance*).
 - iii. The student has not paid his or her fees (as per the *Policy and Procedure – Non-Payment of Fees*)
- c) Navitas English may also suspend or cancel an overseas student's enrolment where there are compelling reasons, including but not limited to where the student's behaviour is deemed unacceptable to Navitas English, such as behaviour in breach of the *Navitas English Code of Conduct*.
- d) As per section 7.6 of the National Code 2018, Navitas English will not finalise the student's refusal status in PRISMS until the appeal finds in favour of the registered provider, or the overseas student has chosen not to access the complaints and appeals processes within the 20-working day period, or the overseas student withdraws from the process.
- e) When a student is identified as potentially being in breach of student visa requirements, Navitas English will inform students in writing that the school intends to report them to DHA for non-compliance. Navitas English students who receive a notice that they will be reported to the Department of Home Affairs have access to a two-stage appeals process as follows:

5.3.1 Stage 1 – Internal Appeal against intention to report

- a) Students have 20 working days from the date of being informed in writing of the intention to report to submit an Internal Appeal in writing using the *Appeals Form* (available on the Navitas English website or from Reception at each centre).
- b) The enrolment of a student who has been notified by Navitas English of its intention to report for non-compliance with visa conditions will be maintained until the Internal Appeals process has been commenced and completed, unless there is a risk to the student's health or wellbeing, or the wellbeing of others. Students must continue to attend classes as normal during this period. Navitas English will not notify the Department of Home Affairs of any change to the student's enrolment status.
- c) When a student is informed in writing of Navitas English's intention to report him or her, Navitas English will arrange a meeting for the student to meet a person with the authority to handle internal

appeals (such as the CM-DoS or Senior Teacher). The aim of the meeting is to advise the student about the Internal Appeals process.

- d) Students may be accompanied to any meetings by a support person if they wish.
- e) Additional meetings regarding a student's Internal Appeal may be arranged by a student at any time during the internal appeals period of 20 working days.
- f) Students wishing to submit an Internal Appeal must do so by either:
 - i. Filling in the *Appeals Form* by themselves (the form is available on the Navitas English website or from Reception at each centre), or
 - ii. Informing the CM-DoS of the centre where they are studying. Students may then be referred to a staff member who can help them fill in the *Appeals Form*.
- g) Completed *Appeals Forms* should be submitted to the CM-DoS either by email or in hard copy. Students may also email the form to:
NavitasEnglishNationalComplaintsandAppeals@navitas.com
- h) When a centre receives an Internal Appeal:
 - i. A message is sent to the complainant acknowledging receipt of the appeal, informing him or her that the Appeal will be commenced within 10 working days, and completed as soon as practicable
 - ii. The CM-DoS assigns an appropriate 'Appeals Manager' to investigate, who is capable of doing so in a professional, fair and transparent way. If there is reason to believe a member of staff with authority to receive and review formal appeals is not able to do so in a way which is professional, fair and transparent, an alternative Appeals Manager is assigned to the case. For example, if an academic complaint is made by a student against a Senior Teacher, the CM-DoS or a different Senior Teacher is assigned to the case.
- i) Navitas English will issue a written outcome to the Internal Appeal to the student as soon as practicable, including detailed reasons for the outcome.

5.3.2 Stage 2 – External Appeal

- a) Where a student is not satisfied with the outcome of Stage 1, the student may refer the matter to an independent External Appeals body within 5 working days of receiving written notification of the outcome of Stage 1, including but not limited to where the student believes that:
 - i. They did not have enough opportunity to present their case to the decision-maker, or
 - ii. The decision was affected by discrimination, prejudice or bias, or
 - iii. The process was not carried out in accordance with Navitas English policy or procedures, or
 - iv. The decision was made contrary to the evidence provided, or
 - v. The outcome imposed was excessive under the circumstances
- b) Students should notify the CM-DoS of their intent to seek an External Appeal.
- c) Upon receiving an External Appeal, the independent body may contact Navitas English and request a response.
- d) Navitas English prepares a response and submits this, together with accompanying evidence, to the independent body.
- e) After Navitas English submits its response, the independent body may request more information from the student.
- f) Having reviewed the evidence, the independent body issues the student and Navitas English its decision regarding the outcome of its review.
- g) If a decision is favourable to the student, Navitas English immediately advises the student and implements any decision and/or corrective and preventative action as required.
- h) If the outcome to the External Appeal supports the school, Navitas English will notify the Department of Home Affairs of the change to the student's enrolment.

6. Informing students about the processes for complaints and appeals

- a) Navitas English students are made aware of its complaints and appeals policy and procedures in the following ways:
 - i. This policy and procedure document is available on the Navitas English website.
 - ii. The Conditions of Enrolment contains a link to the policy and procedure document.
 - iii. The Student Handbook contains a link to the policy and procedure document.
 - iv. The policy and procedure described in this document are presented to students during Day 1 Orientation.
 - v. Students are reminded of the policy and procedure at all stages of the complaint and appeals process.

7. Responsibilities

- a) Students can approach any member of Navitas English's staff to voice a complaint or ask for help with an appeal, and a staff member first approached may be able to resolve the issue.
- b) The Centre Manager and Director of Studies (CM-DoS) of a centre is mainly responsible for receiving formal complaints and appeals about the centre.
- c) Depending on the nature of a complaint, the CM-DoS may delegate the responsibility for handling a complaint to another member of staff at the centre. For example:
 - i. If a complaint is related to the provision of student services or the centre's homestay accommodation service, the CM-DoS may ask the Student Services Manager to handle the complaint.
 - ii. If a complaint or appeal is related to classroom delivery or academic results, the CM-DoS may delegate responsibility for dealing with the complaint or appeal to a Senior Teacher.
- d) If there is reason to believe a member of staff with authority to receive and review formal complaints is not able to do so in a way which is professional, fair and transparent, an alternative complaint manager is assigned to the case. For example, if an academic complaint is made by a student against a Senior Teacher, the CM-DoS or a different Senior Teacher is assigned to the case.
- e) Complaint managers are responsible for acknowledging the receipt of a formal internal complaint and appeals and issuing students with the outcome of an internal review process in writing.

8. Related documents

- a) Policy and Procedure – Monitoring Students for Satisfactory Course Progress
- b) Policy and Procedure – Student Attendance
- c) Policy and Procedure – Non-Payment of Fees
- d) Navitas English Code of Conduct
- e) National Code 2018
- f) ELICOS Standards 2018

9. Review

- a) This document is reviewed every 2 years by the relevant manager to ensure alignment to ESOS regulations and the strategic direction Navitas English's current and planned operations.
- b) The next scheduled review of this document is listed in the Version Control section on Page 1.

10. External Complaints and Appeals bodies

10.1 Overseas Students Ombudsman

- a) The Overseas Students Ombudsman (OSO) offers a free and independent service for overseas students who want to lodge an External Complaint or Appeal about a decision made by their private education or training provider, including related to:
 - i. Attendance
 - ii. Course Progress
 - iii. Education Agents
 - iv. Fees and refunds
 - v. Transferring between education providers
 - vi. Written agreements
 - vii. Overseas student health cover
 - viii. Grades and assessments

- b) For more information and to make an External Complaint or Appeal, students can:
 - i. Refer to the Overseas Students Ombudsman website: <http://www.ombudsman.gov.au/How-we-can-help/overseas-students>
 - ii. Contact the OSO using this email address: ombudsman@ombudsman.gov.au
 - iii. Phone 1300 362 072

10.2 Banki Haddock Fiora

- a) Students on other visas (e.g. visitor, working holiday, permanent resident) wishing to make an External Complaint or Appeal to an independent external body may contact the law firm Banki Haddock Fiora.
- b) The contact details are:
 - i. Address: Level 10, 179 Elizabeth St, Sydney, NSW, 2000
 - ii. Telephone: 02 9266 3400
 - iii. Email: email@bhf.com.au
 - iv. Web: www.bhf.com.au
 - v. Cost: \$192.50

10.3 TEQSA

- a) Navitas English students have the right to lodge External Complaints to the **Tertiary Education Quality and Standards Agency (TEQSA)** if they believe Navitas English has not been compliant with:
 - i. The Education Services for Overseas Students Act (ESOS Act)
 - ii. The National Code of Practice for Providers of Education and Training to Overseas Students 2018.
 - iii. The ELICOS Standards 2018

- b) TEQSA does not accept complaints about:
 - i. Matters of academic judgement, such as examination results
 - ii. Requests for providers to re-mark work
 - iii. Issues concerning visas
 - iv. Problems that Navitas English has already rectified

- c) For more information, and to make an External Complaint, students can:
 - i. Refer to TEQSA's website: <https://www.teqsa.gov.au/>

- ii. Contact TEQSA using this email address: complaints@teqsa.gov.au
- iii. Phone 1300 739 585