



Appeals Handling – CRICOS

Contents

Schedule 1	2
Glossary	3
Purpose	4
What is an appeal?	4
Early resolution of appeals	4
Relationship to continuous improvement	4
Making an appeal	4
Appeal handling procedure	4
Third Party Review	6
Unresolved Appeals	6
Unresolved International Student Appeals	7
Record Management of Appeals Records	8
Period of retention of Appeals Records	8
Destruction of Appeals Records	8
Administrative Appeals Handling Process	9
Assessment Appeals Handling Process	10
END OF DOCUMENT	11

Appeals Handling – CRICOS

Schedule 1

Item – 1	Name of Organisation	Onyx Developments Pty Ltd (ABN 61 009 465 758) T/A Australasia International School
Item – 2	ABN:	61 009 465 758
Item – 3	Address:	Level 14/233 Castlereagh Street, Sydney NSW 2000
Item – 4	RTO Code:	6251
Item – 5	CRICOS Provider Number:	02747G

Appeals Handling – CRICOS

Glossary

PEO – Principal Executive Officer
NTR – Nationally Recognised Training
AQF – Australian qualifications Framework
RTO – Registered Training Organisation
ASQA – Australian Skills Quality Authority
VET – Vocational Education Training
OFI – Opportunity for improvement
ACSF – Australian Core Skills Framework
LLN - language, literacy and numeracy
GST – Goods and Services Tax
ATSI – Aboriginal and Torres Strait Islander
Cwth – Commonwealth
NSW – New South Wales
VETAM – Vocational Education Training Academic Manager
RTOC – Registered Training Organisation Compliance
VETCO – Vocational Education Training Coordination Officer
VETAA – Vocational Education Training Academic Assistant
AM – Administration Manager
APPs - Australian Privacy Principles
SSL - Secure Socket Level protocol
CD – Compact Diskette
USI – Unique Student Identifier
QI – Quality Improvement
NCVER – National Centre for Vocational Education Research
CoE – Conformation of Enrolment
LoO – Letter of Offer
CRICOS – Commonwealth Register of Institutions and Courses for Overseas Students
PRISMS – Provider Registration and International Student Management System

**NB... Not all the terms in the glossary are contained in this document.

Appeals Handling – CRICOS

Purpose

Australasia International School is committed to providing a fair and transparent appeals handling process.

What is an appeal?

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with Australasia International School. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within **twenty-eight (28) working days** of the decision or finding being informed to the student.

It is important to note that a student may appeal any decision made by Australasia International School or a third party providing services on Australasia International School behalf. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that Australasia International School may make. Examples of this include an appeal of a decision to deny a refund or to deny an application for credit transfer. As the process for handling and assessment appeal compared with an appeal of an administrative decision is slightly different, this difference has been catered for within this policy with adjusted processes for both situations.

Early resolution of appeals

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It can often be the case that a student's decision to make an appeal can be avoided by proper communication and consultation with students at the time a decision is made.

Relationship to continuous improvement

Frequently, the appeals handling process will expose weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of appeals handling is very positive and should be actively applied by all persons involved. It is for this reason that appeals received from stakeholders should be seen in a positive light and as opportunities for improvement.

Making an appeal

An appeal must be received by Australasia International School in writing using the specified form within **twenty-eight (28) working days** of the decision or finding being informed to the person.

To appeal a decision, the person is required to complete the Australasia International School - Request for Appeal of a Decision. This form is available via our website. The completed Request for Appeal form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details:

Insert address

Insert email

If a person seeking an appeal has any difficulty accessing the required form or submitting the appeal to Australasia International School, they are advised to contact Australasia International School immediately at the following phone number:

Insert Phone Number

Appeal handling procedure

Australasia International School will apply the following procedure to its appeals handling:

Appeals Handling – CRICOS

- Appeals must be lodged within **twenty-eight (28) working days** of the decision or finding being informed to the person. An appeal must be submitted using the Australasia International School - Request for Appeal of a Decision.
- A person who submits an appeal must be **provided a written acknowledgement** as soon as possible and **not later than twenty-four (24) hours** from the time the appeal is received. This acknowledgement is intended to provide the person making an appeal assurance that Australasia International School had received the appeal and will review the relevant issues and provide a response as soon as practicable. The acknowledgement must inform the person making an appeal that they will receive a written response within 14 days and explain the appeal handling process and the persons rights and obligations.
- A written record of all appeals is to be kept by Australasia International School including all details of lodgement, response and resolution. The appeals register within RTO Data is to be used to record the details of the appeal and to maintain a chronological journal of events during the appeal handling process. Records relating to appeal handling must be stored securely to prevent access to unauthorised personnel.
- An appellant is to be provided an opportunity to formally present his or her case at no cost.
- Each appellant may be accompanied and/or assisted by a support person at any relevant meeting.
- The appeals policy must be publicly available. This means that the appeals policy and procedure must be published on the Australasia International School website.
- The handling of an appeal is to commence within **ten (10) working days** of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable.
- The appellant is to be provided a written response to the appeal, including details of the reasons for the outcome. A written response must be provided to the appellant within **fourteen (14) working days** of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within **sixty (60) calendar days** of the appeal being initially received. Where Australasia International School PEO considers that more than 60 calendar days are required to process and finalise the appeal, the PEO must inform the appellant in writing, including reasons why more than 60 calendar days are required. As a benchmark, Australasia International School should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within thirty (30) calendar days is considered acceptable and in the best interest of Australasia International School and the appellant. An appellant should also be provided with regular updates to inform them of the progress of the appeal handling. Updates should be provided to the appellant at a minimum of **two (2) weekly intervals**.
- Australasia International School shall maintain the enrolment of the appellant during the appeal handling process.
- Decisions or outcomes of the appeal handling process that find in the favour of the appellant shall be implemented immediately.
- Appeals are to be handled in the strictest of confidence. No Australasia International School representative is to disclose information to any person without the permission of Australasia International School PEO. A decision to release information to third parties can only to be made after the appellant

Appeals Handling – CRICOS

has given permission for this release to occur. This permission should be given using the Information Release Form.

- Appeals are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the appeal handling process. This means that the appellant is entitled to be heard with access to all relevant information and with the right of reply. The appellant is entitled to have their appeal heard by a person that is without bias and may not be affected by the decision. Finally the decision must be made based on logical evidence and the decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations.
- Appeals handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.

Third Party Review

Where the appellant is not satisfied with the handling of the matter by Australasia International School, they have the opportunity for a body or person that is independent of Australasia International School to review his or her appeal following the internal completion of appeals handling process. Before a person seeks a review by an independent person, they are requested to first allow Australasia International School to fully consider the nature of the appeal and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they can then seek a review by an independent person. To request a review by an independent person, the person making an appeal should inform the Office Manager of their request who will initiate the process with the PEO.

In these circumstances, the Australasia International School PEO will advise of an appropriate party independent of Australasia International School to review the appeal outcome (and its subsequent handling) and provide advice to Australasia International School regarding the recommended outcomes. The independent third-party is required to respond with their recommendations **within fourteen (14) working days** of their review being requested. This advice is to be accepted by Australasia International School as final, advised to the appellant in writing and implemented without prejudice.

Where the Australasia International School appoints or engages an appropriate independent person to review an appeal, the Australasia International School will meet the full cost to facilitate the independent review.

Where an appeal is received by Australasia International School and the PEO feels that they may have bias or there is a perception of bias, then the appeal is to be referred directly to an independent third-party for consideration and response as outlined above.

Unresolved Appeals

Once the appeals handling process has concluded; where the person seeking an appeal of a decision remains not satisfied with the outcome of the appeals handling procedure, the person is to be advised that they have the right to refer the matter to any external authority/agency who may be relevant to their appeal. **Please note** that for international students there is additional information about unresolved matters following this section.

The following external agencies are nominated in the first instance as relevant points of referral the person may consider:

- In relation to consumer related issues, the person may refer their matter to the **Office of Fair Trading**.

Appeals Handling – CRICOS

- In relation to the delivery of training and assessment services, the person may refer their matter to the **National Training Complaints Service** via the following phone number: 13 38 73 or visit the website at <https://www.education.gov.au/NTCH>
- In relation to matters relating to privacy, the person may refer their matter to the **Office of the Australian Information Commissioner** via the following details:
<https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call on 1300 363 992

This guidance is also communicated to students within the Student Handbook. It is expected that the above agencies will investigate the persons concerns and contact the Australasia International School for information. External agencies will typically request a copy of any record of how the appeal was handled from the person. Australasia International School is to ensure that the person is provided with a written response that they may use for this purpose.

The Australasia International School is to cooperate fully with agencies such as the Office of Fair Trading, National Training Complaints Service, Overseas Students Ombudsman or ASQA that may investigate the handling of an appeal. Australasia International School considers that it would be extremely unlikely that appeals are not able to be resolved quickly within Australasia International School internal arrangements.

Unresolved International Student Appeals

Where an international student appeal is unable to be resolved, the international student may refer the matter to the Overseas Students Ombudsman. The Ombudsman's services are free, independent and impartial.

The Overseas Students Ombudsman can consider matters relating to:

- refusing admission to a course
- fees and refunds
- course or provider transfers
- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by your provider
- incorrect advice given by an education agent.

The Overseas Students Ombudsman can investigate complaints about education agents who have an agreement with a provider to represent them in Australia or overseas. The following website provides more information about accessing the services of the Overseas Students Ombudsman.

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

The Australasia International School is to cooperate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading, Overseas Students Ombudsman or ASQA that may investigate the handling of a complaint. Australasia International School considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within Australasia International School internal arrangements.

Appeals Handling – CRICOS

Record Management of Appeals Records

Records relating to appeals will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the appellant or generated by Australasia International School. There is also a record of the appeal maintained within the Australasia International School student management system RTO Data. This includes the details about the appeal and a diary log, which records the progress of the appeal handling and closure. This record also records identified opportunities for improvement that result from appeals handling. All records regardless of their format (excluding RTO Data) will be saved in a digital format into a secure folder located on the Australasia International School file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated. This folder must only be accessible to persons authorised by the PEO. Records stored on RTO Data are to be accessible only to RTO data administrators and managers.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

- Records must be kept securely to prevent them being accessed by any non-authorised personnel.
- Records must be kept confidential to safeguard information and to protect the privacy of the appellant.
- Records must be kept to avoid damage by fire, flood, termites or any other pests.
- Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

Period of retention of Appeals Records

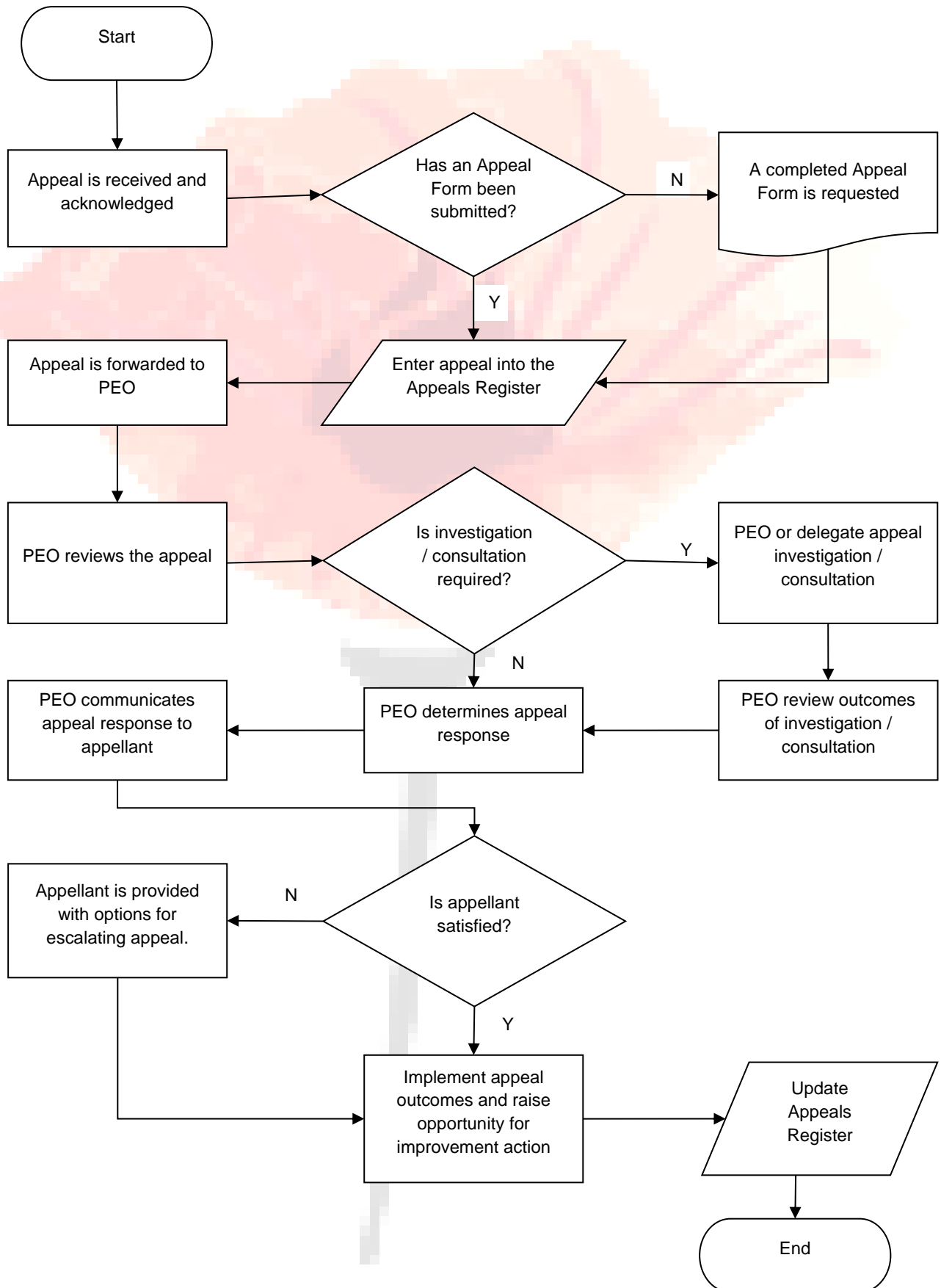
Australasia International School is to retain records relating to appeals handling for a minimum of five (5) years.

Destruction of Appeals Records

Australasia International School PEO is the only person who can authorise (in writing) the destruction of appeals handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.

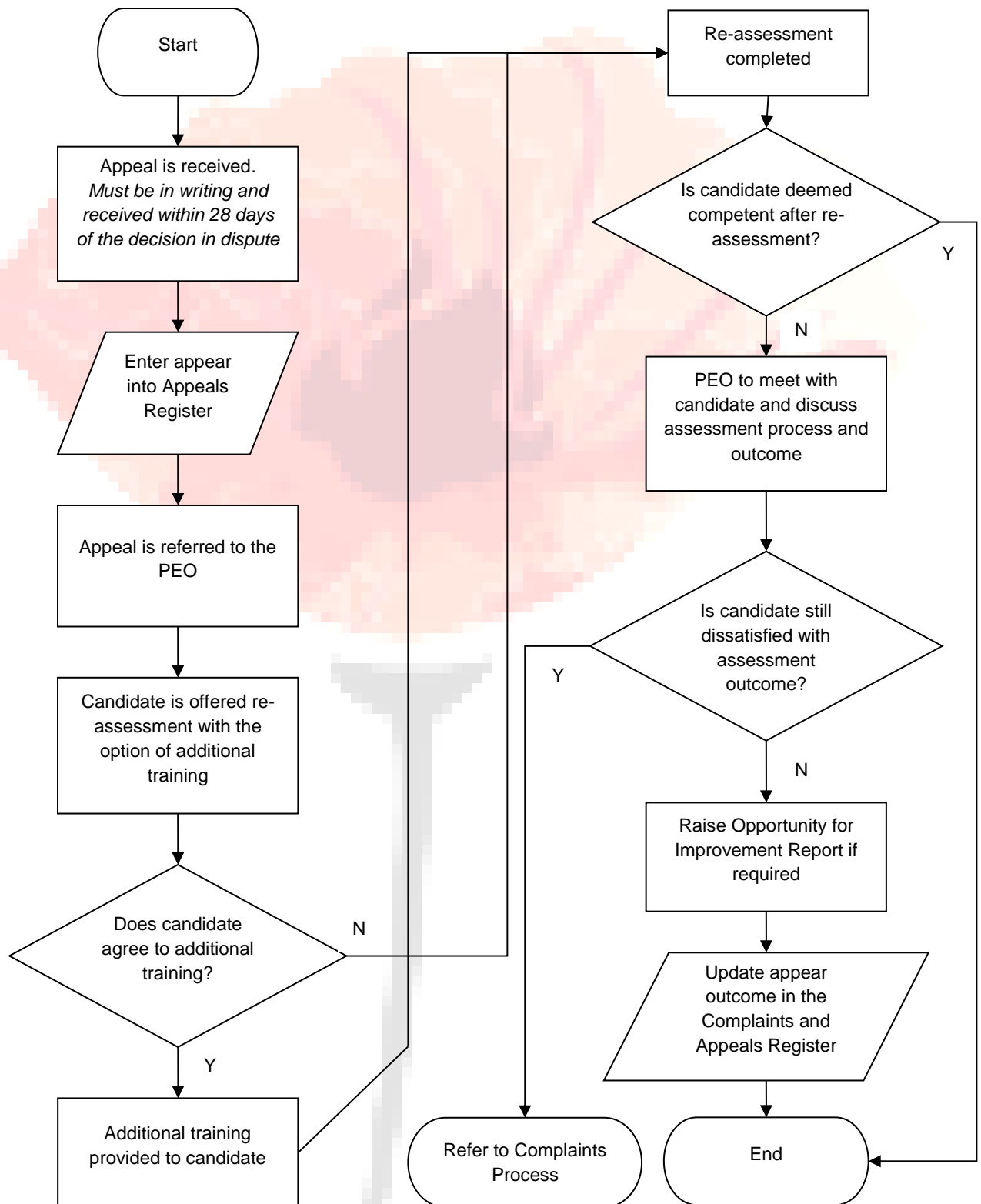
Appeals Handling – CRICOS

Administrative Appeals Handling Process



Appeals Handling – CRICOS

Assessment Appeals Handling Process



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