



# Complaints and Appeals Policy for International Students

A copy of this policy will be provided to the student (or parent(s)/legal guardian if the student is under 18) at a reasonable time prior to a written agreement being signed, and again during orientation or within 7 days of the commencement of student attendance of the enrolled course.

## 1. Purpose

The purpose of this policy is to provide a student or Parents or Guardian with the opportunity to access procedures to facilitate the resolution of a dispute or complaint involving Brisbane Boys' College, or an education agent or third party engaged by Brisbane Boys' College to deliver a service on behalf of the College. The processes described within this policy are conciliatory and non-legal.

## 2. Scope

This policy covers complaints and appeals brought by an international student or by a Parent or Guardian on behalf of an international student against Brisbane Boys' College with respect to enrolment under the ESOS Framework.

## 3. Policy Principles

- (a) This policy does not cover complaints a student, Parent or Guardian may have regarding matters outside the ESOS Framework such as grievances brought by a student against another student. Please refer to the Brisbane Boys' College Complaints Policy and Procedure available on under Policies on the Brisbane Boys' College website.
- (b) The complaint resolution process will be conducted in accordance with the principles of natural justice
- (c) Confidentiality will be maintained to the greatest possible extent at all stages of the complaint management process.
- (d) A complaint or appeal may be brought under this policy about, for example:
  - (i) course fees and due dates;
  - (ii) an overseas student being reported for failure to meet course progress or attendance requirements;
  - (iii) deferment, suspension or cancellation of an overseas student's enrolment;
  - (iv) international student accommodation;
  - (v) the transfer of an overseas student to or from the College, from or to another school in Australia which is a Registered Provider (including a refusal by the School to grant a letter of release to enable an international student to transfer to a course offered by another school);
  - (vi) incorrect advice given by the College's education agent; or
  - (vii) a decision made by the College that affects the enrolment of the international student.

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- (e) Where an overseas student has received notice from Brisbane Boys' College that it intends to report the student for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student, Parent or Guardian has 20 working days in which to access the College's internal complaints and appeals process under this policy.
- (f) A complaint or appeal cannot be made under this policy about a refund that is governed by the ESOS Act.
- (g) If a student, Parent or Guardian chooses to access the internal complaint or appeals process under this policy:
  - (i) Brisbane Boys' College will maintain the enrolment of the international student while the process is ongoing (this means the College will not notify the Department of Education and Training (DET) via PRISMS of any change to the student's enrolment status); and
  - (ii) the international student is required to maintain enrolment and attendance at all classes as normal. The Deputy Headmaster – Academic Performance and Innovation P-12 will determine if participation in studies will be in class or under a supervised arrangement outside of classes.

For external complaints and appeals, it depends on the type of appeal, as follows:

- (i) If the complaint or appeal is against Brisbane Boys' College's decision to report the student for unsatisfactory course progress or attendance, the College must maintain the student's enrolment until the external process under this policy (with the Overseas Student Ombudsman) is complete and has supported the College's decision; or
- (ii) If the complaint or appeal is against Brisbane Boys' College's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment, then the College is not required to await the outcome of the external process under this policy (with the Overseas Student Ombudsman) before notifying DET via PRISMS of its decision.
- (h) A student, Parent or Guardian may be accompanied and assisted by a support person at any meetings with Brisbane Boys' College as part of a complaints or appeal process.
- (i) Nothing in this policy prevents a student, Parent or Guardian from taking action under Australia's consumer protection laws.

## 4. Complaints and Appeals Processes

### 4.1 Informal complaints resolution

- (a) In the first instance, Brisbane Boys' College requests there is an attempt to informally resolve the issue through mediation/informal resolution of the complaint (for example, through discussions with the student and Parent or Guardian).
- (b) A complaint or appeal should initially be reported to the Director of Admissions.
- (c) The Director of Admissions may handle the Informal Complaint or Appeal personally or may refer the Informal Complaint or Appeal to another staff member if they believe it is appropriate for that staff member to handle the concern.
- (d) If the Informal Complaint or Appeal cannot be resolved informally, the student, Parent or Guardian may lodge a formal complaint or appeal.

### 4.2 Formal Internal Complaints Handling and Appeals Process

- (a) The process of this grievance procedure is confidential, and any complaints or appeals are a matter between the parties concerned and those directly involved in the complaints handling process.

- (b) The student or Parent/Guardian must notify Brisbane Boys' College in writing of the nature and details of the complaint or appeal.
- (c) Written complaints or appeals are to be lodged with the Headmaster or delegate.
- (d) Where the internal complaints and appeals process is being accessed because the student has received notice by the school that the school intends to report them for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student has 20 working days from the receipt of notification in which to lodge a written appeal.
- (e) Complaints and appeals processes are available to students at no cost.
- (f) Each complainant has the opportunities to present their case to the Headmaster or delegate.
- (g) Students and/or the College may be accompanied and assisted by a support person at all relevant meetings.
- (h) The formal internal complaints and appeals process will commence within 10 working days of lodgement of the complaint or appeal with the Headmaster and the College will take all reasonable measures to finalise the Formal Complaint or Appeal process as soon as practicable.
- (i) For the duration of the internal complaints and appeals process the student's enrolment will be maintained, as required under the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* and the student must continue to attend classes.  
However, if the Headmaster or delegate deems that the student's health or well-being, or the well-being of others is at risk they may decide to suspend or cancel the student's enrolment before the complaints and appeals process has been accessed or fully completed. In such cases, the student may still lodge a complaint or appeal, even if the student is offshore.
- (j) Once the Headmaster or delegate has come to a decision regarding the complaint or appeal, the student will be informed in writing of the outcome and the reason for the outcome, and a copy will be retained on the student's file.
- (k) If the complaint or appeal procedure finds in favour of the student, Brisbane Boys' College will immediately implement the decision and any corrective and preventative action required and advise the student of the outcome and action taken.
- (l) Where the outcome of a complaint or appeal is not in the student's favour, Brisbane Boys' College will advise the student within 10 working days of concluding the internal review of the student's right to access the external appeals process.  
However, Brisbane Boys' College is only obliged to await the outcome of an external appeal if the matter relates to a breach of course progress or attendance requirements. For all other issues, the College may take action (including making changes to the student's enrolment status in PRISMS) in accordance with the outcome of the internal appeal.

### 4.3 External Appeals Process

- (a) If a student, Parent or Guardian is dissatisfied with the conduct or result of the internal complaints or appeals procedure, they may contact and/or seek redress through the Overseas Students Ombudsman at no cost. Please see <https://www.ombudsman.gov.au/How-we-can-help/overseas-students> or phone 1300 362 072 for more information.
- (b) If a student wishes to appeal a decision made by Brisbane Boys' College that relates to being reported for a breach of course progress or attendance requirement (under



- Standard 8), the student must lodge this appeal with the Overseas Ombudsman's office within 10 working days of being notified of the outcome of their internal appeal.
- (c) If the student wishes to appeal a decision made by Brisbane Boys' College that relates to:
- (i) refusal to approve a transfer application (under Standard 7), or
  - (ii) suspension or cancellation of the student's enrolment (under Standard 9)
- any choice to lodge an external appeal with the Overseas Student Ombudsman is at the student's discretion. Brisbane Boys' College need not await the outcome of any external appeal lodged, before implementing the outcome of the internal appeal.

#### 4.4 External Appeals Process

Nothing in Brisbane Boys' College's Complaints and Appeals Policy negates the right of an international student to pursue other legal remedies.

### 5. Definitions

**College** means Brisbane Boys' College.

**ESOS Act** - the Education Services for Overseas Students Act 2000 (Cth) (as amended or replaced from time to time).

**ESOS Framework** - the regulatory requirements for education and training institutions offering courses to international students in Australia on a student visa, including the ESOS Act and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.

**Parent or Guardian** - the parent(s) or guardian(s) of the international student (or intending international student) who signed the letter confirming the international student's offer of placement at Brisbane Boys' College.

**PRISMS** - the Provider Registration and International Student Management System. Registered Provider has the meaning under the ESOS Act.

**Student** – a student enrolled at Brisbane Boys' College or the parents(s)/legal guardian of a student where that student is under 18 years of age.

**Support person** - for example, a friend/teacher/relative not involved in the grievance.

**Working day** – any day other than a Saturday, Sunday, or public holiday during term time.

### 6. Review and version control register

Version	Authorising Officer	Approval Date	Effective Date	Change History/Superseded Documents	Next Review Date
1	Director of Admissions	23 <sup>rd</sup> February 2020	23 <sup>rd</sup> February 2020	Scheduled review	1 <sup>st</sup> January 2022
2	Director of Admissions	17 <sup>th</sup> August 2022	17 <sup>th</sup> August 2022	Scheduled review – No substantive amendments – re-ordered items under s. 4 (4.1), (4.2), (4.3) Insert s. 4.4 Removed s. 5 – information incorporated in s. 4.2 S. 5 Definitions – added Working Day; Student, Support Person	1 <sup>st</sup> January 2023