

## ISP Complaints and Appeals Policy

### Purpose

This policy provides guidance about the International Student Program (ISP) complaints and appeals process and ensures that formal complaints and appeals relating to the ISP are addressed in a fair, transparent and compliant manner.

This policy is for Department of Education (DE or the department) International Education Division (IED) staff, all international students in the ISP, parents, schools, homestay providers and education agents.

### Scope

This policy applies to international students, parents, schools, homestay providers and education agents who want to lodge a formal complaint or appeal relating to the ISP.

For the purpose of this policy, a complaint is defined as an expression of dissatisfaction with the quality of an action taken or service provided or dissatisfaction with a delay or failure in providing a service, taking an action, or making a decision. An appeal is defined as a request for a review of a formal decision.

### Information on making a complaint or appeal

- To assist international students, parents, schools and education agents to address complaints and appeals, please see the [ISP Complaints and Appeals Procedure](#) for an overview of the steps that can be taken in relation to a complaint or appeal.

### Policy

#### How DE (IED) will deal with formal complaints and appeals

- DE (IED) will respond to any complaint or appeal regarding the complainant or appellant's dealings with the department, education agents or any related party the department has an arrangement with to deliver the student's course or related services.
- DE (IED) does not charge a fee to lodge a complaint or an appeal.
- The DE (IED) officer responsible for complaints and appeals will allocate a complaint or appeal to the relevant DE (IED) staff member to address.
- DE (IED) will provide the complainant or appellant with the contact details of a staff member within DE (IED) who the complainant or appellant can contact in relation to the complaint or appeal.
- DE (IED) will commence assessment of a complaint or appeal within 10 working days of lodgement and all reasonable measures will be taken to finalise the outcome as soon as practicable.
- The complainant or appellant will be given the opportunity to formally present their case.
- The complainant or appellant may be assisted by a support person at any relevant meetings, provided that person does not have a conflict of interest. For example, it may not always be appropriate for an education agent to be present.
- DE (IED) will conduct the assessment of a complaint or appeal in a professional, fair and transparent manner.
- DE (IED) will consider the Victorian Charter of Human Rights and Responsibilities when assessing a complaint or appeal.

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Department of Education

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- DE (IED) will provide the complainant or appellant with a written statement of the outcome of the complaint or appeal, including detailed reasons for the outcome.
- The internal appeal written outcome will inform the appellant of their right to access an external complaints and appeals process at minimal or no cost with the Victorian Ombudsman and include contact details.
- DE (IED) will comply with a decision or recommendation in favour of the student made as a result of an internal, or any external, complaints handling or appeal process, and will immediately implement the decision or recommendation and/or take the preventative or corrective action required by the decision and advise the complainant or appellant of that action.
- DE (IED) will keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.

### **Step 1: Deal with matters informally**

- DE (IED) requests complainants attempt to resolve the matter informally, in the first instance. This can be done by outlining concerns in a conversation or via email with the other party involved.
- If the complainant is dissatisfied with the outcome of their attempt to resolve the matter informally, the matter can be escalated by lodging a formal complaint or appeal in writing. Please see the [ISP Complaints and Appeals Procedure](#) for an overview of how matters can be escalated by lodging a formal complaint or appeal.

### **Step 2: Lodge a formal complaint**

- For complaints about the school that are not related to the ISP, the complainant should raise the matter with the regional office as per the department's [Parent Complaint Policy – Victorian government schools](#).
- For complaints about the ISP, complainants can lodge a formal complaint with DE (IED) using the [ISP Complaints Form](#) if the matter has not been satisfactorily resolved informally.
- The completed [ISP Complaints Form](#) should be submitted to [isp.quality@education.vic.gov.au](mailto:isp.quality@education.vic.gov.au) and should clearly outline the student name and ID (if applicable), the reason for the complaint, and what outcome the complainant is seeking.
- Formal complaints will be directed to a manager within DE (IED) who is best placed to resolve the matter.
- DE (IED) will provide the complainant with a written statement of the outcome of the complaint, including detailed reasons for the outcome.

### **Step 3: Lodge an internal appeal**

- Complainants can request an internal appeal if they believe DE (IED) has reached a decision in error in relation to the outcome of a formal complaint or if they wish to appeal one of the following matters:
  - a decision to issue a Notice of Intention to Expel and Report for Non-Payment of Fees
  - a decision to issue a Notice of Intention to Report and Defer, Suspend or Cancel a student's enrolment due to misbehaviour
  - a decision to issue a Notice of Intention to Report and Defer, Suspend or Cancel a student's enrolment due to unsatisfactory course progress or attendance
  - a decision to issue a Notice of Intention to Report and Cancel a student's enrolment due to not holding a valid visa
  - a decision to deny a request for deferral
  - a decision to deny a request for a school transfer
  - a decision relating to a refund request
  - a decision relating to a waiver of fees due to an administrative error made by a school or DE (IED)
  - a decision to deny an exemption from payment of ISP tuition fees based on extreme financial hardship
  - a decision to terminate a homestay provider.
- Complainants who are dissatisfied with the outcome of a complaint, or a decision outlined above, have 20 working days to lodge an appeal from the date they receive written notification from DE (IED). The exception is when a decision has been made relating to a refund request or a waiver of fees, where the complainant has 28 days to lodge an appeal.
- The appeal application should be submitted using the [ISP Appeals Form](#) via email to [isp.quality@education.vic.gov.au](mailto:isp.quality@education.vic.gov.au). It must set out the reasons for requesting a review and outline what outcome

the appellant is seeking. The application and any supporting documentation should provide enough detail for the reviewer to make an informed decision about the request for appeal.

- Internal appeals will be dealt with by a senior department staff member who was not involved in the original decision or complaint.
- DE (IED) will provide the appellant with a written statement of the outcome of the appeal and inform the appellant of their right to access an external complaints handling and appeals process at minimal or no cost with the Victorian Ombudsman and include contact details.

## Student enrolment during appeals

### All ISP international students

- An international student's enrolment will be maintained during the internal and external appeals process, except in the case of an expulsion due to non-payment of fees.

### International students who hold a subclass 500 Student - Schools visa (standard and study abroad students)

- A standard or study abroad student's enrolment will be maintained during an internal appeal relating to attendance, course progress or misbehaviour.
- A standard or study abroad student's enrolment will be maintained during an external appeal relating to attendance or course progress, but not if relating to misbehaviour or the non-payment of fees.
- DE (IED) may suspend or cancel the enrolment of a standard or study abroad student at any time if the student's health and wellbeing, or the wellbeing of others, is likely to be at risk.

## External complaints and appeals

- As the department is a public provider, the Victorian Ombudsman deals with complaints and external appeals relating to the department's ISP. Parents, international students, homestay providers and education agents can make a complaint to the Victorian Ombudsman at any time. However, the Victorian Ombudsman may ask the complainant or appellant to first access the ISP complaints and appeals process before dealing with the matter.
- DE (IED)'s internal appeal written outcome, sent within 10 working day of completion of the internal appeal, will inform the appellant of their right to access an external complaints handling and appeals process at minimal or no cost with the Victorian Ombudsman and will include contact details.
- The Victorian Ombudsman's Office can be contacted using the following methods:
  - **Online:** Victorian Ombudsman
  - **Telephone:** +61 1800 806 314 on Monday to Friday between 9am - 5pm Australian Eastern Standard or Daylight Time (AEST or AEDT). The telephone Interpreter phone number is +61 131 450. Deaf or hearing-impaired users should phone +61 133 677 then +61 1800 806 314.
- Please note, in most cases, the purpose of the external appeals process is to consider whether DE (IED) has followed its policies and procedures, rather than to make a decision in place of DE (IED).
- An appellant can submit a request for an external appeal to the Victorian Ombudsman within 12 months of receiving an internal appeal written outcome. However, if DE (IED) is not advised of an external appeal being lodged within 10 working days following an internal appeal relating to student attendance or course progress, DE (IED) will suspend or cancel a standard or study abroad student's enrolment and report the student, as required under the *National Code of Practices for Providers of Education and Training to Overseas Students 2018* (Cth).
- DE (IED) will comply with a decision or recommendation in favour of the student made by the Victorian Ombudsman and will immediately implement the decision or recommendation and/or take the preventative or corrective action required by the decision and advise the complainant or appellant of that action.

## Interpreter assistance

- If complainants or appellants require an interpreter to assist with phone calls, they can contact the Translating and Interpreting Service (TIS) on +61 3 9268 8332, advise of the language and dialect assistance that they require, and ask TIS to call DE (IED), in the Department of Education, on +61 3 7022 1000 between 10.00am to 3.00pm AEST or AEDT from Monday to Friday, excluding Victorian public holidays. Complainants or appellants will not be charged for the translation service.

## Roles and responsibilities

- The **Secretary of the department** has the authority to review decisions under Part 8A of *Ministerial Order 819 – Fees for Overseas Students in Government Schools*. The Secretary's authority has been delegated to the following positions in the department:
  - Deputy Secretary, School Education Programs and Support (SEPS)
  - Executive Director, IED
  - Director, Internationalisation, IED
  - Senior Manager, Finance and Business Systems, IED
  - Manager, Finance and Business Support Unit, IED
- Internal appeals relating to other matters are also addressed by the positions above.
- The **Executive Director, IED**, is responsible for the approval of this policy as the nominated Principal Executive Officer of the department as a Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered provider.
- The **Manager, Strategy and Quality Assurance Unit, IED**, is responsible for the maintenance and updating of this policy.

## Legislation

- *Migration Act 1958* (Cth)
- *Education Services and Overseas Students Act 2000* (Cth)
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth)
- *Education and Training Reform Act 2006* (Vic)
- *Ministerial Order 819 – Fees for Overseas Students in Government Schools* (Vic)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Health Records Act 2001* (Vic)
- *Privacy and Data Protection Act 2014* (Vic)
- *Public Records Act 1973* (Vic)

## Associated documents

- [ISP Complaints and Appeals Procedure](#)
- [ISP Complaints Form](#)
- [ISP Appeals Form](#)

## Definitions

- **CRICOS** is the Commonwealth Register of Institutions and Courses for Overseas Students.
- **DE (IED)** is the Department of Education – International Education Division. IED is the division in the department that administers the ISP in Victorian government schools. IED is not a separate entity to the department, which is the CRICOS registered provider.
- **Education agents** are accredited by DE (IED) to recruit students for an ISP course.
- **Homestay provider** for the purpose of this document refers to providers of homestay accommodation organised by the ISP-accredited school for students with a subclass 500 Student – Schools visa.
- **ISP** means the International Student Program administered by the DE (IED).
- **ISP international students** are all international students enrolled in the department's ISP.
- **Parent** refers to the parent/s or legal guardian/s of an international student.
- **School** for the purpose of this document is defined as a school with fee-liable international students enrolled in the ISP.
- **Standard and study abroad students** are international students enrolled in the ISP holding a subclass 500 Student - Schools visa.

## Policy contact and maintenance officer

Manager, Strategy and Quality Assurance Unit

International Education Division

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### Authorised

Executive Director, International Education Division

**Date of authorisation:** 28/09/2023

**Date of last review:** 30/08/2024

**Review frequency:** This policy will be reviewed at minimum every 24 months or when any changes arise impacting its currency, including legislative or regulation change.