

APPEALS HANDLING POLICY AND PROCEDURE

1 PREAMBLE

Sydney Metropolitan English Institute is committed to providing a fair and transparent appeals handling process. The Institute deals with student academic appeals in an independent and accessible manner that is transparent and does not cost the student.

2 PURPOSE

The purpose of this policy and procedure is to describe the approach to handling student academic appeals.

3 SCOPE

The scope of this policy applies to all student academic appeals.

4 DEFINITIONS

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with Sydney Metropolitan English Institute. An appeal must be made in writing and specify the particulars of the decision or finding in dispute.

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

5 EARLY RESOLUTION OF APPEALS

In all cases, issues arising during training and assessment that are the source of frustration or are in dispute should be resolved when they occur between the persons involved. It can often be the case that a student's decision to appeal can be

avoided by proper communication and consultation with students at the time a decision is made.

6 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. This is why appeals received from stakeholders should be seen in a positive light and as opportunities for improvement.

7 MAKING AN APPEAL

An appeal must be received by Sydney Metropolitan English Institute in writing using the specified form within **twenty-eight (28) working days** of the decision or finding being informed to the student.

To appeal a decision, the person is required to complete the Sydney Metropolitan English Institute - Request for Appeal Form. This form is available via our website. The completed Request for Appeal form is to be submitted to the PEO or Office Manager either in hard copy or electronically via the following contact details:

432 - 434 Kent Street, Sydney NSW 2000
peo@smei.nsw.edu.au

If a person seeking an appeal has difficulty accessing the required form or submitting the appeal to Sydney Metropolitan English Institute, they are advised to contact Sydney Metropolitan English Institute immediately.

8 APPEAL HANDLING PROCEDURE

Sydney Metropolitan English Institute will apply the following procedure to its appeals handling:

- An appeal may be received in any form (written or verbal), although persons seeking to appeal are recommended to complete the Request for Appeal form available to them on the website. There is no time limitation on a person who is seeking to appeal. A person who appeals must be provided with a written acknowledgement as soon as possible and not later than 24 hours from the time the appeal is received. This acknowledgement is intended to give the student making the appeal assurance that Sydney Metropolitan English Institute has received the appeal and will review the relevant issues and provide a response as soon as practicable. The acknowledgement must inform the appeal that they will receive a written response within 14 days and explain the appeal handling process and the person's rights and obligations.
- A written record of all appeals is to be kept by the Sydney Metropolitan English Institute, including all details of lodgement, response and resolution. Records

relating to appeal handling must be stored securely to prevent access by unauthorised personnel.

- A student making an appeal is to be provided with an opportunity to formally present his or her case at no cost.
- Each student making an appeal may be accompanied and/or assisted by a support person at any relevant meeting.
- Sydney Metropolitan English Institute will conduct the assessment of the appeal in a professional, fair and transparent manner.
- The appeals policy must be publicly available. This means that the appeals policy and procedure must be published on the Sydney Metropolitan English Institute website.
- The handling of an appeal is to commence within **seven (7) working days** of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable.
- The student making the appeal is to be provided with a written response to the appeal, including details of the reasons for the outcome. A written response must be provided to the student making the appeal 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 Sydney Metropolitan English Institute Principal Executive Officer considers that more than 60 calendar days are required to process and finalise the appeal, the PEO must inform the student making the appeal in writing, including reasons why more than 60 calendar days are required. As a benchmark, Sydney Metropolitan English Institute 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 Sydney Metropolitan English Institute and the student making the appeal. A student making an appeal should also be provided with regular updates to inform them of the progress of the appeal handling. Updates should be provided to the student making the appeal at a minimum of **two (2) weekly intervals**.
- Sydney Metropolitan English Institute shall maintain the enrolment of the student making the appeal during the appeal handling process.
- Decisions or outcomes of the appeal handling process that find in the favour of the learner shall be implemented immediately.
- Appeals are to be handled in the strictest of confidence. No Sydney Metropolitan English Institute representative is to disclose information to any person without the permission of the Sydney Metropolitan English Institute Principal Executive Officer. A decision to release information to third parties can only be made after the student making the appeal has given permission for this 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 student making the appeal is entitled to be heard with access to all relevant information and with the right of reply. The student making the appeal 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.

- Appeal handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.

9 THIRD PARTY REVIEW

Where the appellant is not satisfied with the handling of the matter by Sydney Metropolitan English Institute, they have the opportunity for a body or person that is independent of Sydney Metropolitan English Institute to review his or her appeal following the internal completion of the appeals handling process. Before a person seeks a review by an independent person, they are requested to first allow Sydney Metropolitan English Institute to fully consider the nature of the appeal and to fully 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 Principal Executive Officer.

In these circumstances, the Sydney Metropolitan English Institute Principal Executive Officer will advise of an appropriate party independent of Sydney Metropolitan English Institute to review the appeal outcome (and its subsequent handling) and provide advice to Sydney Metropolitan English Institute regarding the recommended outcomes.

Where the Sydney Metropolitan English Institute appoints or engages an appropriate independent person to review an appeal, the Sydney Metropolitan English Institute will meet the full cost to facilitate the independent review.

Where an appeal is received by Sydney Metropolitan English Institute and the Principal Executive Officer feels that they may have a 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.

INDEPENDENT THIRD PARTIES

Once the appeals handling process has concluded; where the person seeking an appeal of a decision remains dissatisfied 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.

- If the appeal relates to administrative or procedural matters, the student may refer the appeal to the **Commonwealth Ombudsman** at <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>
- For appeals about purely academic matters, SMEI employs the **Resolution Institute**, the national association of dispute resolvers, as an appropriate third party. Head Office details are as follows:

- Address: Level 1, 13 Bridge Street Sydney NSW
 - Phone: (+61 2) 9251 3366
 - Free call: 1800 651 650
 - Email: infoaus@resolution.institute
 - Website: <https://www.resolution.institute>
- SMEI will accept decisions by the **Resolution Institute** as final, advise the person making the appeal in writing and implement the decision without prejudice.
 - The following external agencies are also relevant points of referral the person may consider:
 - In relation to consumer-related issues, the person may refer their appeal to the **Office of Fair Trading**.
 - In relation to matters relating to privacy, the person may refer their appeal to the **Office of the Australian Information Commissioner** via the following details: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-appeal> 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 person's concerns and contact the Sydney Metropolitan English Institute for information. External agencies will typically request a copy of any record of how the appeal was handled from the person. Sydney Metropolitan English Institute is to ensure that the person is provided with a written response that they may use for this purpose.

Sydney Metropolitan English Institute is to cooperate fully with agencies such as the Office of Fair Trading, and the Commonwealth Ombudsman that may investigate the handling of an appeal. Sydney Metropolitan English Institute considers that it would be extremely unlikely that appeals are not able to be resolved quickly within Sydney Metropolitan English Institute's internal arrangements.

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 that are submitted by the appellant or generated by Sydney Metropolitan English Institute. This includes the details about the appeal and a diary log that 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 will be saved in a digital format into a secure folder located on the Sydney Metropolitan English Institute 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 Principal Executive Officer.

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

- Records must be kept securely to prevent them from 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 into account the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

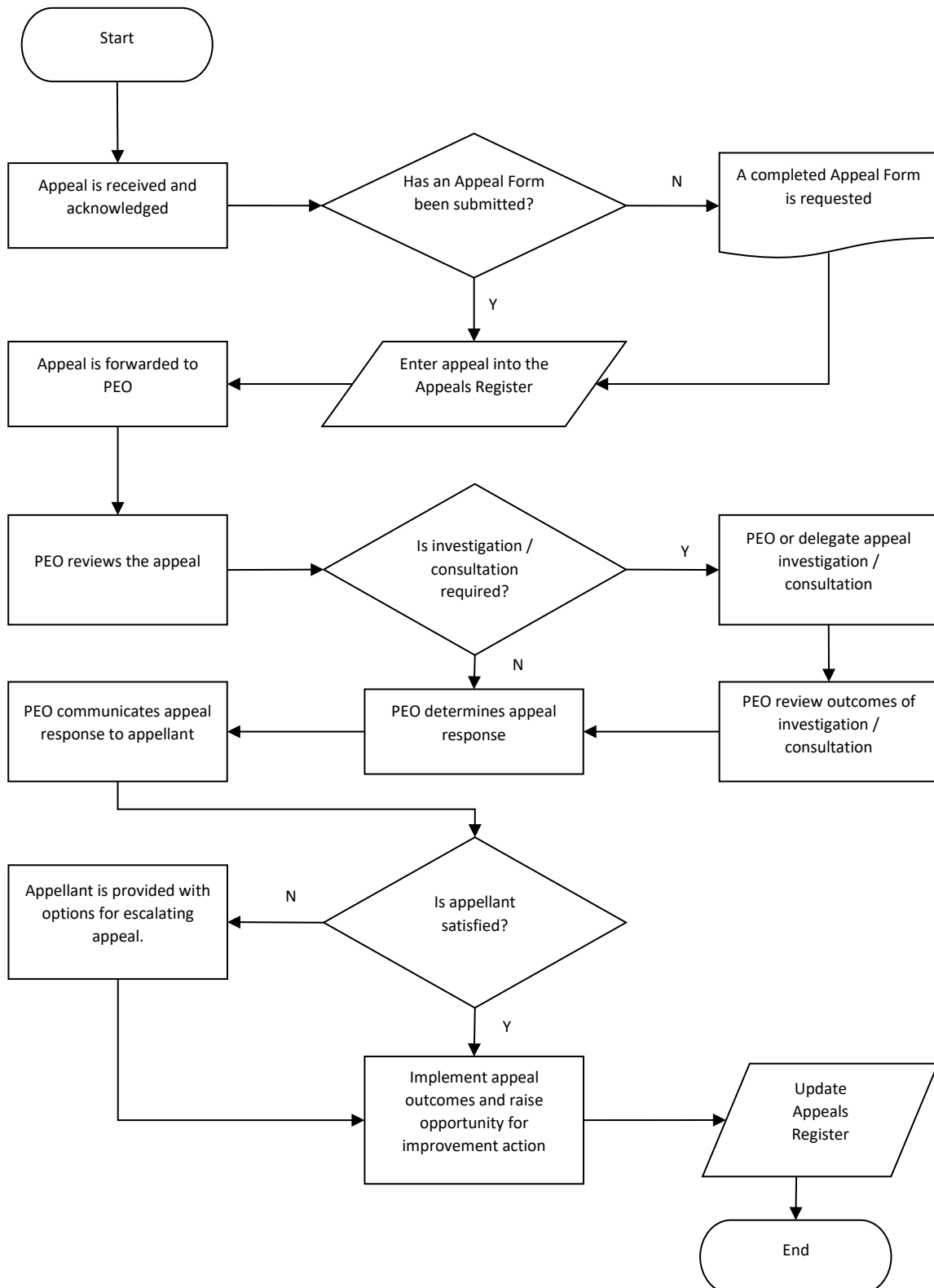
PERIOD OF RETENTION OF APPEALS RECORDS

Sydney Metropolitan English Institute is to retain records relating to appeals handling for a minimum of five (5) years.

DESTRUCTION OF APPEALS RECORDS

Sydney Metropolitan English Institute's 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.

15 ADMINISTRATIVE APPEALS HANDLING PROCESS



16 ASSESSMENT APPEALS HANDLING PROCESS

