



Complaints and appeals – subclass 500 (schools) visa procedure

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Audience

Education Queensland International staff (EQI staff), school staff, Office of the Executive Director, Department of Education International (OED DEi), Overseas students, EQI homestay providers, parents/Department of Home Affairs (DHA) approved guardians of Overseas students and their agents.

Purpose

This procedure outlines the responsibilities and processes for the consistent management of complaints and appeals made by Overseas students enrolled in an [EQI](#) registered [course](#), or persons acting on behalf of Overseas students.

Overview

A complaint is an expression of dissatisfaction about the service or action of EQI, EQI schools, school staff, agents, or homestay providers by an Overseas student who is directly affected by the service or action.

Overseas students can make a complaint if they are dissatisfied with their program, which may include, course, school or living arrangements and welfare (if in homestay accommodation). A complaint may also be made about EQI education agents or any related party that EQI has an arrangement with to deliver the student's courses.

EQI is committed to dealing with complaints and appeals made by Overseas students in a professional, fair and transparent manner.

Complaints are managed in accordance with the [International Student Programs \(ISP\) standard terms and conditions](#) and the Department of Education's [Complaints and grievances management policy](#). EQI has additional requirements to the [Customer complaints management \(CCM\) procedure](#) if the complaint is made by, or on behalf of, an Overseas student including:

- timeframes for acknowledgement and assessment of the complaint (as per Standard 10 of the [National Code of Practice for Provider of Education and Training to Overseas Students 2018 \(Standard 10\)](#))
- referral to the internal appeals process (see below) if an EQI decision is appealable under the [ISP standard terms and conditions](#).

Unreasonable conduct by the complainant, for example, abusive, threatening or trivial complaints, or unreasonable demands on EQI's time and resources, is not tolerated.

An internal appeal is a request by an Overseas student to change a decision made by EQI regarding their enrolment in an EQI registered course. An Overseas student can only appeal the following decisions made by EQI:

- to report them for failing to maintain satisfactory attendance or course progress;
- to refuse a request by the Overseas student to defer or suspend their enrolment;
- to suspend or cancel their enrolment (initiated by EQI); or
- to refuse a request to transfer to another EQI school or another registered provider;
- as a result of a complaint to EQI (see the [Complaints and grievances management policy](#) and [Customer complaints management procedure](#)).

If dissatisfied with the outcome of the internal appeal, Overseas students can lodge a complaint (external appeal) with the Queensland Ombudsman.

Responsibilities

Complainant (Overseas student or persons acting on the student's behalf)

- act in accordance with the [CCM framework](#)
- cooperate in a respectful way and understand that unreasonable conduct will not be tolerated.

Complaints officer (All staff involved in managing complaints)

- act in accordance with the [Complaints and grievances management policy](#).

School staff

- assist Overseas student and EQI staff with the complaint and appeals process and provide any documents required
- maintain accurate and up-to-date records (for example, adding a record of contact in OneSchool for each contact with Overseas student)
- arrange any necessary meetings with the Overseas student, at no cost to the student.

Principal (or delegate)

- meet with the Overseas student regarding the complaint, if required
- support staff in managing complaints
- liaise with EQI to manage formal complaints and seek advice as required
- liaise with EQI if notified that a formal complaint requires an internal review
- ensure accommodation and welfare, and study arrangements are in place for the Overseas student while the appeals process is ongoing and until an outcome has been reached.

EQI staff

- manage internal appeal timeframes

- implement decisions when directed by Director, EQI.

Director, EQI (or delegate)

- manage decisions to ensure they are not implemented until the relevant appeals processes are concluded.

Overseas student

- decide to appeal a decision / request an internal appeal within 20 working days of receiving notice of the decision
- provide all relevant information when requesting an appeal
- cooperate in a respectful way and understand that unreasonable conduct will not be tolerated
- if dissatisfied with the outcome of the internal appeal, an external appeal with the Ombudsman Office may be lodged within 10 working days of receiving the decision from the internal appeal.

OED DEi

- manage external appeal timeframes
- manage the DEi appeals register and maintain appropriate records to support each step in the appeals process.

Internal appeals review officer

- consider and assess internal appeals
- ensure adherence to the DoE Customer Complaints Management Framework
- consider relevant human rights legislation when responding to an internal appeal
- provide timely decisions for internal appeals and communicate the outcome to all relevant parties (including advice to the OED).

Process

Complaints

The department's approach to handling customer complaints is based on the Australian/New Zealand Standard (AS/NZS ISO 10002:2014 – Guidelines for complaint management in organisations).

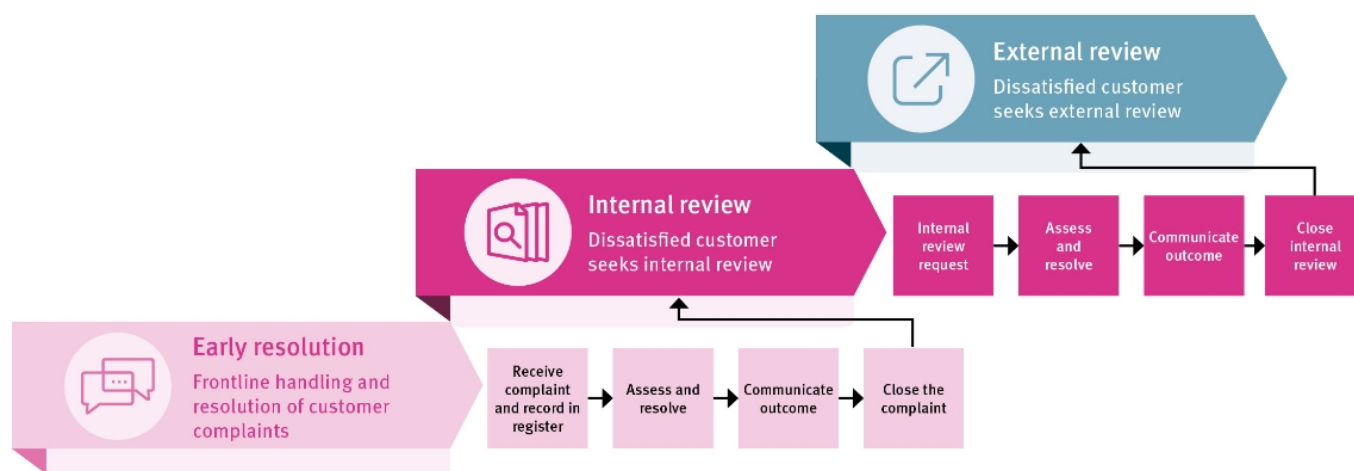


Image 1 – Complaints process

Complaints officer

- manage complaints in accordance with the [Complaints and grievances management policy](#)
- ensure Standard 10 complaint timeframes are met, including:
 - written acknowledgement of receipt of the complaint within 10 working days
 - assessment of the complaint begins within 10 working days of receipt of the complaint
- where the complaint is in relation to a decision made by EQI regarding an Overseas student's enrolment in an EQI registered course, refer the Overseas student to the Appeals process (see details below).

Appeals

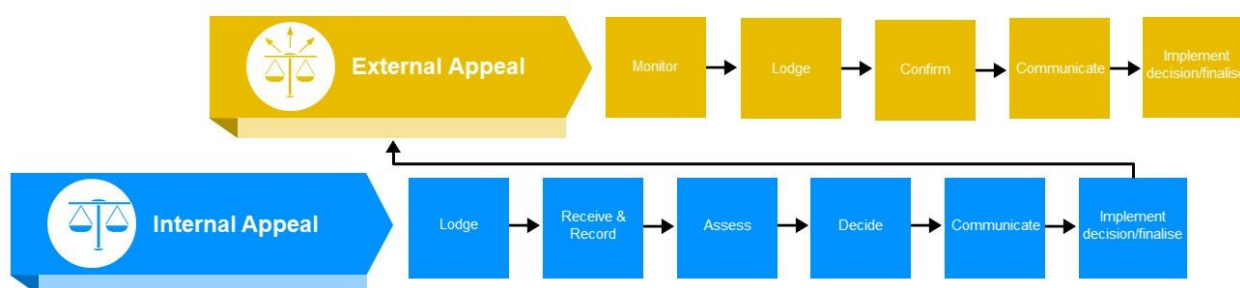


Image 2 – Appeals process

1. Internal appeals

Departmental staff have steps to undertake following a decision made by EQI, both when an internal appeal is received and when no internal appeal is received.

1.1. Lodge

Overseas student

- lodge an appeal, **within 20 working days of being given written notice of a decision**, either by sending via email, in writing by post or request a meeting
- follow the instructions in the decision letter, including but not limited to the Overseas student's name, the decision that is being appealed, supporting evidence and the reason why the decision is being appealed and enclose a copy of the decision letter
- where lodging via email, send email to OED.DEI@qed.qld.gov.au:
 - include "Appeals to Internal Appeal Review Officer" in the subject line
 - note that email is preferred to ensure matters are resolved as quickly as possible
- where lodging by post, send to EQI Appeals, PO Box 15050, City East Qld 4002.
- where requesting a meeting,
 - provide your supporting evidence and a copy of the decision letter
 - be accompanied and assisted by a support person (if required)
 - cooperate in a respectful way and understand that unreasonable conduct will not be tolerated.

1.2. Receive

- OED DEi staff review the internal appeal request ensuring it is not a complaint. If determined to be a complaint, refer the student to the Customer complaints management procedure
- confirm with EQI staff whether an appeal has been received within the appropriate timeframe
- acknowledge receipt of appeal, either by email or in writing by post, within 10 working days, and advise that the assessment has commenced and will be finalised as soon as practicable
- allocate appeal to the internal appeals review officer
- allocate the appeal to an internal review officer and provide the appeal submission and decision being appealed
- notify Director, EQI (or delegate), EQI staff and the school principal (or delegate) by email that an appeal has been received and allocated to an internal review officer
- record appeal on the DEi appeals register (HPE 19/26372 - DoE employees only) monitor assessment of appeal.

EQI Staff

- confirm with OED staff if an appeal has been received within 20 days from the date of the decision letter.

School principal

- liaise with school staff to implement the agreed arrangements for Overseas student during the appeal process
- ensure school staff communicate the agreed arrangement with Overseas students and parents, and the homestay provider, if the Overseas student is in the EQI homestay program

- ensure there are appropriate study and accommodation arrangements in place for Overseas student while appeals process is ongoing. Arrangements are made on a case-by-case basis, for example:
 - the Overseas student may be appealing a decision to cancel their enrolment due to unsatisfactory course progress, however, if the Overseas student remains onshore, they may be required to attend classes at school while the appeals process is ongoing
 - the Overseas student's parents may be required to assume welfare, where the Overseas student is in the EQI homestay program, refer to the [Change of welfare – subclass 500 \(schools\) visa procedure](#).

1.3. Assess and decide

- Internal appeals review officer analyse the decision to determine if the outcome reached was appropriate by considering and assessing:
 - information provided by the Overseas student, or person acting on the Overseas student's behalf
 - the decision letter and material attached as part of managing the original decision
 - adherence to the relevant EQI policy and procedure/s
- decide if the request engages or limits human rights contained in sections Part 2 of the [Human Rights Act 2019 \(Qld\)](#) by considering the following questions:
 - Are there any human rights considerations or impacts by the decision being appealed?
 - If so, did the decision being appealed limit those human rights?
 - If so, was the limitation lawful, justified and reasonable in the circumstances?
- identify a suitable appeal outcome. This may include, but is not limited to:
 - finding the original decision was reasonable and the appeal does not merit further investigation
 - finding the original decision was unreasonable and should be amended without further investigation
 - providing a clearer explanation for the reason of the original decision to the Overseas student
 - accepting feedback to amend a policy, procedure or practice, or recommending that such documents be amended within the legislative requirements
 - offering an apology or recommending some other remedy
- make a decision about the appeal outcome.

1.4. Communicate

Internal appeals review officer

- notify the Overseas student, **within 10 working days of concluding the appeal**, the outcome of the appeal process, including a clear explanation of the reasons for the final decision, which could be either:
 - their appeal is successful, and EQI will immediately take any action required to implement the decision, using the *ADG – Internal appeal successful letter template* (CM 17/86011 – DoE employees only)
 - their appeal is unsuccessful, and they may lodge a complaint with Queensland Ombudsman (external appeal) at no cost, using the *ADG – Internal appeal unsuccessful letter template* (CM 17/86012 – DoE employees only)

- notify all concerned parties, including the natural parents, student, principal, Director, EQI and EQI OED of the outcome of the appeal.

OED staff

- update the DEi appeals register, including notes describing the outcome and any further activities that need to occur.

1.5. Implement decision

Director, EQI

- notify and instruct EQI staff to implement decision in accordance with appropriate procedure.

EQI staff

- refer to the relevant procedure to implement a decision when upholding the original decision:
 - [Attendance – subclass 500 \(schools\) visa procedure](#), unless an external appeal is made within 10 working days
 - [Course progress – subclass 500 \(schools\) visa procedure](#), unless an external appeal is made within 10 working days
 - [Suspension of enrolment – subclass 500 \(schools\) visa procedure](#)
 - [Enrolment – subclass 500 \(schools\) visa procedure](#)
 - [Ongoing enrolment – subclass 500 \(schools\) visa procedure](#)
 - [Transfer – subclass 500 \(schools\) visa procedure](#)
- liaise with school staff to implement the decision when the original decision is to be amended.

2. External appeals

Departmental staff have steps to undertake both when an external appeal is received and when no external appeal is received.

2.1. Monitor

OED staff

- monitor timeframes by noting in calendar the date 10 working days from the date the Overseas student received the decision from the internal appeal
- liaise with the Ombudsman's Office by email to confirm if an external appeal was lodged within 10 working days
- notify the Director, EQI if an external appeal has been lodged or not
- where an external appeal is **not** lodged, notify the Overseas student in writing that the decision of Internal appeals review officer takes effect immediately, using the *No external appeal received letter template* (CM 17/86014 – DoE employees only)
- notify Director, EQI by email that an external appeal was not lodged.

Director, EQI (or delegate)

- notify EQI staff and the school principal by email that an external appeal was not lodged
- where an external appeal is **not** lodged, instruct EQI staff to implement decision in accordance with appropriate procedure:
 - [Attendance – subclass 500 \(schools\) visa procedure](#)
 - [Course progress – subclass 500 \(schools\) visa procedure](#).

2.2. Lodge**Overseas student**

- lodge an external appeal, **within 10 working days of receiving the decision from the internal appeal**, either by sending via email or in writing by post
- where via email, send email to ombudsman@ombudsman.qld.gov.au
 - note that email is preferred to ensure matters are resolved as quickly as possible
- where by post, send to Queensland Ombudsman, GPO Box 3314, Brisbane QLD 4001.

2.3. Confirm and notify**OED staff**

- notify the Director, EQI (or delegate) if an external appeal has been lodged
- record and update the DEi appeals register if an external appeal has been lodged.

Director, EQI (or delegate)

- notify EQI staff and the school principal by email that an external appeal has been lodged.

School principal

- liaise with school staff to implement agreed arrangements for Overseas student during the appeal process
- ensure school staff communicate agreed arrangement with the Overseas student, parents and the homestay provider, if applicable
- where an external appeal **is** received:
 - ensure there are appropriate study and accommodation arrangements in place for Overseas student while appeals process is ongoing. Arrangements are made on a case-by-case basis:
 - the Overseas student may be appealing a decision to cancel their enrolment due to unsatisfactory course progress, however, if the Overseas student remains onshore, they may be required to attend classes at school while the appeals process is ongoing.

2.4. Communicate outcome**OED staff**

- receive notification from the Ombudsman that a decision has been provided to the Overseas student on the appeal

- if the external appeal is successful, notify the Overseas student that EQI will immediately take any action required to implement the decision of the Ombudsman, using the *External appeal successful letter template* (CM 17/86015 – DoE employees only)
- if the external appeal is unsuccessful, and if the decision is about unsatisfactory attendance or course progress, notify the Overseas student that the decision of the Internal appeals review officer takes effect immediately, using the *External appeal unsuccessful letter template* (CM 17/86017 – DoE employees only)
- notify the Director, EQI, and OED staff of the outcome.

Director, EQI (or delegate)

- notify school principal when outcome of Queensland Ombudsman's decision is received
- instruct EQI staff to implement decision in accordance with the appropriate procedure.

2.5. Finalise

EQI staff

- immediately take any action required to implement the decision of the Ombudsman
 - where the decision upholds EQI's original decision, refer to the relevant procedure to implement the decision:
 - [Attendance – subclass 500 \(schools\) visa procedure](#)
 - [Course progress – subclass 500 \(schools\) visa procedure](#)
- where the Overseas student's external appeal was successful, and steps were taken to implement the decision in favour of EQI after internal appeal, immediately take corrective action required by the decision by referring to the relevant procedure to implement the decision of the Ombudsman:
 - [Suspension of enrolment – subclass 500 \(schools\) visa procedure](#)
 - [Enrolment – subclass 500 \(schools\) visa procedure](#)
 - [Ongoing enrolment – subclass 500 \(schools\) visa procedure](#)
 - [Transfer – subclass 500 \(schools\) visa procedure](#).

OED staff

- update DEi appeals register
 - keep a written record of the appeal, including a statement of the outcome and reasons for the outcome.

Definitions

Term	Definition
Agent	Education agent registered with EQI to recruit students for EQI programs.
Complaint	A complaint is an expression of dissatisfaction about the service or action of EQI, EQI schools, school staff, agents, or homestay providers by an Overseas student who is directly affected by the service or action.

Term	Definition
Course	A course registered on CRICOS offered by Department of Education trading as Education Queensland International.
Decision	A conclusion or resolution reached after consideration and made by EQI regarding an Overseas student's enrolment in an EQI registered course.
Department of Home Affairs (DHA)	Australian Government department responsible for immigration.
DHA approved guardian	A parent, legal custodian or a relative over the age of 21 years of age approved by the Department of Home Affairs to be responsible for the Welfare of students under the age of 18 years.
EQI	Education Queensland International
Internal appeal review	A process conducted by appropriately trained departmental staff on request from an Overseas student to change a decision made by EQI regarding their enrolment in an EQI registered course, The appeal examines if the process for the Overseas student was appropriate and/or if the outcome reached was reasonable. An internal appeal review is not a re-investigation of the original decision
Internal appeal review officer	<p>A department employee who conducts an internal appeal review. The officer must be</p> <ul style="list-style-type: none"> • independent from the original decision; and • in a position equal to, or higher than, the original decision -maker and authorised to make internal appeal review decisions, including recommendations, or be nominated by someone with this authority • a corporate officer. <p>An internal appeal review may involve more than one internal appeal review officer.</p>
School	For International Student Programs: Queensland state schools accredited by EQI to deliver international student programs.
EQI staff	DoE employees working in DEi, trading as EQI.
External appeal	<p>A process conducted by an external review body, the Queensland Ombudsman, to ensure departmental decision-making is fair and reasonable and followed proper policies and procedures.</p> <p>The purpose of the external appeals process is to consider whether EQI has followed its policies and procedures, rather than make a decision in place of EQI. EQI will comply with any decision the Ombudsman makes.</p>
Homestay provider	Homestay provider is a family, a couple or a single person who is approved by DEi or schools to host overseas students in their home.

Term	Definition
Internal appeal	<p>An appeal is a request by an Overseas student to change a decision made by EQI regarding their enrolment in an EQI registered course:</p> <ul style="list-style-type: none"> • to report the Overseas student to the Australian Government Department of Education regarding their attendance or course progress (refer to the Standard terms and conditions) • not to defer or suspend your enrolment, as requested by the Overseas student (refer to the Standard terms and conditions) • to suspend or cancel the Overseas student's enrolment, as initiated by EQI (refer to the Standard terms and conditions) • to refuse the Overseas student's request for a transfer (refer to the Standard terms and conditions).
International Student Programs	<p>A study pathway offered to Overseas students to fulfil their academic potential, develop new skills and achieve personal goals in a way that suits their individual needs. International Student Programs includes: Primary School, High School, International Baccalaureate, and High School Preparation.</p>
Overseas student	<p>Student in Australia on visa subclass 500 (schools sector) enrolled in an EQI course.</p>
OneSchool	<p>A comprehensive program to help Queensland State Schools manage key teaching and school administrative activities. Its features cover a wide range of school operations.</p>
Parent	<p>Natural parent or legal custodian.</p>
School staff	<p>Employees of schools with responsibilities to support international students. For example – International student coordinator, Homestay coordinator, Head of department, Deputy principal, Accredited Officer (Study tours).</p>
Unreasonable complainant conduct	<p>Conduct is likely to be unreasonable where it involves actions or behaviours which because of the nature or frequency, raises substantial health, safety, resource or equity issues for the department, its staff, other service users or the complainant themselves. Examples include unreasonable:</p> <ul style="list-style-type: none"> • persistence (for example, excessive and unnecessary phone calls or emails) demands (for example, demanding more reviews than departmental procedures allow, or demanding a different outcome without showing the original decision was incorrect) • lack of cooperation (for example, refusing to identify the issue of complaint or providing disorganised information) • arguments (for example, making irrational claims)

Term	Definition
	<ul style="list-style-type: none"> behaviour (for example, aggression or violence to staff, or threatening harm to self and others).

Legislation

- [Education Services for Overseas Students Act 2000](#)
- [Human Rights Act 2019 \(Qld\)](#) ss 58(1), 63, 97
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
- [Public Sector Act 2022 \(Qld\)](#)

Delegations/Authorisations

- Nil

Policies and procedures in this group

- [Complaints and grievances management policy](#)
- [Complaints involving the 'public official' \(Director-General\) procedure](#)
- [Customer complaints management - Internal review procedure](#)
- [Customer complaints management procedure](#)
- [Individual employee grievances procedure](#)
- [Information privacy and right to information procedure](#)
- [Making and managing a public interest disclosure procedure](#)
- [Managing unreasonable complainant conduct procedure](#)
- [Reporting fraud and corruption procedure](#)

Supporting information for this procedure

- Nil

Other resources

- [Client service standards](#)
- [Information management](#)
- [ISP standard terms and conditions](#)
- [PRISMS User Guide](#)
- [Student visa conditions](#)

Contact

International Student Programs

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24/01/2023

Superseded versions

Previous seven years shown. Minor version updates not included.

3.0 Complaint and appeals

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