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Appeal Handling Policy & Associated Procedures

1. Purpose

The purpose of this policy is to ensure that Sydney Metropolitan International College (SMIC) provides a fair, transparent, and accessible appeals process. Students are informed about their right to appeal decisions and are supported throughout the process. Appeals are managed in a way that upholds natural justice and procedural fairness, ensuring that all parties are treated equitably. SMIC commits to resolving appeals within reasonable timeframes, with outcomes clearly documented and communicated to students. Where necessary, students have access to an independent review to ensure impartiality.

This policy aligns with the 2025 Outcome Standards for RTOs (Standard 2.8 – Appeals) and the National Code 2018 (Standard 10 – Complaints and Appeals) for overseas students. It establishes clear and timely procedures that protect student rights, promote accountability, and integrate appeal outcomes into SMIC's continuous improvement framework. Mechanisms for collecting and managing feedback are further detailed in the Quality Assurance Policy and Associated Procedures, ensuring that lessons learned from appeals contribute to ongoing service enhancement.

2. Definitions

Appeal. An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with Sydney Metropolitan International College . An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within **28 calendar days** of the decision or finding being informed to the student.

Appeals can be made in respect of any decision made by Sydney Metropolitan International College. An appeal is a request for Sydney Metropolitan International College's decision to be reviewed in relation to a matter, including assessment appeals.

3. Policy statement

3.1 Scope of Appeals

This policy applies to appeals against decisions made by Sydney Metropolitan International College (SMIC) that directly affect a student. Students may lodge an appeal if a decision impacts their studies, rights, or agreed terms of service. Examples include assessment outcomes, administrative actions, policy changes affecting enrolment conditions, use of third parties in service delivery, changes to training products and transition arrangements, or significant changes to the nature of services agreed at enrolment. All internal appeals are conducted at no cost to students.

The examples provided are not exhaustive; this policy covers any decision made by SMIC that is relevant to or affects a student. The aim is to provide students with a clear and fair process to challenge decisions that influence their learning experience or contractual arrangements, ensuring transparency, accountability, and the protection of student rights.

3.2 Ensuring procedural fairness

Sydney Metropolitan International College implement the following mechanisms to ensure procedural fairness when handling appeals:

- the appeal is handled by an unbiased person not involved in making the original decision
- the student is given an opportunity to be heard and to provide relevant information
- the privacy of all parties involved is protected, and the information included in an appeal is kept confidential. Only individuals directly involved in the appeals process will have access to the appeal information.
- information is handled sensitively to ensure that students feel safe and supported when lodging an appeal.

3.2 The appeals period

Students have the right to appeal decisions within **28 calendar days** of receiving notification of the decision. Appeals submitted after this period may not be considered.

3.3 Early Resolution of Appeals

Students are encouraged to resolve any concerns they may have directly with the Sydney Metropolitan International College staff member involved in the first instance. It is often the case that the student's decision to make an appeal can be avoided by proper communication and consultation with students at the time a decision is made.

3.4 Submitting an Appeal

If the student is unable to resolve the issue directly with the Sydney Metropolitan International College staff member, they should raise the appeal with the DOS , Student Support Officer/Manager or CEO/PEO. This may be verbally in the first instance and must then be in writing by completing a *Request for an Appeal of a Decision Form.* The request for an appeal may be submitted to the DOS , Office Manager or CEO. Alternatively, the student may submit it via email or hard copy via the post. The contact details for submitting the appeal are provided to the student in the *Student Handbook*.

3.5 Communicating the Appeals Handling Policy and Procedure

The appeals handling policy and procedure will be:

- Publicly available on the Sydney Metropolitan International College Website
- Integrated into the Sydney Metropolitan International College (International) Student Handbook
- Integrated in the Sydney Metropolitan International College Policy and Procedures

3.6 Principles of Natural Justice and Procedural Fairness

Students can present their appeal at no cost and may bring a support person to any meeting. SMIC applies natural justice and procedural fairness throughout the process, ensuring unbiased decision-making and offering an independent third-party review if needed. Independent reviews are arranged by the CEO/PEO, completed within 14 calendar days, and provided at no cost to the student, with recommendations accepted as final and implemented without prejudice.

3.7 Confidentiality

Appeals are to be handled in the strictest of confidence. No Sydney Metropolitan International College representative is to disclose information to any person without the permission of Sydney Metropolitan International College CEO/PEO. A decision to release information to third parties can only be made after the student has given permission for this to occur. This permission should be given as a written consent**.**

3.8 Appeals Handling Timeframe

Sydney Metropolitan International College will provide written acknowledgement of receiving the appeal no later than **24 hours** from the time the appeal is received using the appeals written acknowledgment email template. The acknowledgement must inform the student that they will receive a written response within **14 days** to explain the appeals handling process and the person's rights and obligations.

Appeals must be resolved to a final outcome within **thirty (30) calendar days** of the appeal being initially received. Where Sydney Metropolitan International College Principal Executive Officer considers that more than 30 calendar days are required to process and finalise the appeal, the CEO/PEO must inform the student in writing, including reasons why more than 30 calendar days are required.

3.9 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 that 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 complaint to the **Office of Fair Trading**.

- In relation to the delivery of training and assessment services, the person may refer their complaint to the **National Training Complaints Service** via the following phone number: 13 38 73 or visit the website at https://www.dewr.gov.au/national-training-complaints-hotline or alternatively to the Australian Skills Quality Authority at the following website https://asqaportal.asqa.gov.au/Make-a-Report//?from=tip-off

- In relation to matters relating to privacy, the person may refer their complaint 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

3.10 Unresolved International Student Appeals

International students may appeal to the **Overseas Student Ombudsman** (**OSO**) about a range of circumstances including:

- course fees and refunds
- transfers between courses or providers
- intention to report to Home Affairs for unsatisfactory course progress or attendance
- cancellation of enrolment
- deferment and suspension of studies

- incorrect advice given by an education agent
- refusing admission to a course
- your private education provider's handling of your complaint or appeal, including complaints about:
  - grades and assessments
  - academic misconduct decisions
- Overseas Student Health Cover.

More information can be found at: https://www.ombudsman.gov.au/complaints/international-student-complaints

This guidance is also communicated to students within the (International) Student Handbook and also within the publicly available policies and procedures on Sydney Metropolitan International College website. It is expected that the above agencies will investigate the persons concerns and contact the Sydney Metropolitan International College for information. External agencies will typically request a copy of any record of how the appeal was handled from the person. Sydney Metropolitan International College is to ensure that the person is provided with a written response that they may use for this purpose.

Sydney Metropolitan International College 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/appeal. Sydney Metropolitan International College considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within Sydney Metropolitan International College internal arrangements.

3.11 Record Management of Appeals Records

Sydney Metropolitan International College (SMIC) maintains comprehensive records for all appeals in both electronic and hard copy formats. These include email correspondence, submitted documents, and entries in the student management system, which track appeal details, progress, and closure. The system also logs any opportunities for improvement identified during the appeals process, ensuring that lessons learned contribute to continuous quality enhancement.

All records are securely stored in digital format within a restricted-access folder and the student management system, accessible only to authorised personnel. Files are clearly labelled with titles and dates, and strict measures are in place to protect confidentiality and prevent unauthorised access. Records are safeguarded against physical and digital risks, including fire, flood, pests, and hardware failure, with off-site backups maintained to ensure data integrity and long-term security.

3.10 Period of retention of Appeals Records

Sydney Metropolitan International College is to retain records relating to appeals handling for a minimum of **five (5) years**.

3.11 Destruction of Appeals Records

Sydney Metropolitan International College CEO/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.

4. Considerations

4.1 Relationship to Continuous Improvement

Frequently, the appeals handling process will expose weakness 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. Opportunities for improvement will be considered at the completion of the appeals handling procedure.

5. Procedure

Steps		Person/s responsible
Making an Appeal		
i.	**Inform students of appeal process** Upload the Appeals Handling Policy and Procedure to Sydney Metropolitan International College Website. Provide all new students with a copy of the *Student Handbook* (Refer to: *PP2.2 - Enrolment*)	CEO/PEO

ii.	**Submission of appeal** To appeal a decision, the person is required to complete the *Request for an Appeal of a Decision Form*. This form is available via our website. The completed Request for an Appeal form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details: **Suite 2, Level 5, 545 Kent Street, Sydney, NSW 2000 AUSTRALIA** support@smic.edu.au If a person seeking an appeal has any difficulty accessing the required form or submitting the appeal to Sydney Metropolitan International College , they are advised to contact Sydney Metropolitan International College immediately at the following phone number: **+61 2 9744 1356** An appeal must be received by Sydney Metropolitan International College in writing using the specified form **within 28 calendar days** of the decision or finding being informed to the person.	Student DOS Trainer and Assessor
iii.	**Written acknowledgement** Sydney Metropolitan International College will provide written acknowledgement **no later than 24 hours** from the time the appeal is received using the appeals written acknowledgment email template. The acknowledgement must inform the student that they will receive a written response **within 14 days** to explain the appeals handling process and the person's rights and obligations.	DOS
iv.	**Recording the appeal** The appeal must be entered into the *Complaints and Appeals Register*. The Complaints and Appeals Register identifies the student, relation with Sydney Metropolitan International College , nature of appeal, findings/outcomes, any links with the *Continuous Improvement Report* and the dates received and closed. Prior to entering the appeals form into the register, check if the person has not already submitted an appeal, if it is accurately recorded or if it has been recorded as a subsequent contact.	DOS

v.	**Review of the appeal** The appeal is referred to the CEO/PEO; whereby the CEO/PEO reviews the appeal and determines if the appeal requires further investigation or consultation (administrative appeal) or if the student is offered re-assessment with the option of additional training (assessment appeal). The handling of an appeal is to commence within **seven (7) calendar days** of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable. Sydney Metropolitan International College shall maintain the enrolment of the student during the appeals handling process.	CEO/PEO
vi.	**Keep the appeal up to date** As the appeal handling is progressing, the student is to be provided regular updates not less than every two weeks advising them of the status of the appeal and how it is progressing using the template Letter - *Complaints or Appeals Update*	DOS CEO/PEO
vii.	**Communicate decision to student/student** The CEO/PEO examines the outcomes of the review and determines the appeal response **within 30 calendar days**. The CEO/PEO is to use the *Appeals Response Letter* template to advise the student of the findings and outcomes. A written response must be provided to the student within **thirty (30) calendar days** of the lodgement of the appeal, including details of the reasons for the outcome.	DOS CEO/PEO
viii.	**Written acknowledgement** Sydney Metropolitan International College must request written acknowledgement from the student once the appeal has been determined.	DOS CEO/PEO

ix.	**Implement decision** Decisions or outcomes of the appeals handling process that find in favour of the student shall be implemented immediately. If this is an assessment appeal, the student may agree to additional training whereby Sydney Metropolitan International College must provide this to the student and re-assessment must be completed. If the student is deemed not competent after re-assessment, they must meet with the Sydney Metropolitan International College CEO/PEO to discuss the assessment process and outcome. The student is entitled to be heard with access to all relevant information and with the right of reply ensuring natural justice and procedural fairness is applied at every stage of the appeals process. If the student is dissatisfied with the appeal decision, they are to be referred to the *Complaints Handling Process*.	CEO/PEO Trainer and Assessor
x.	**Review by an independent third party, where required** Where a student is not satisfied with the handling of the appeal by Sydney Metropolitan International College , a body or person from an independent third party can be requested to review the appeal. The third-party is required to respond to with their recommendations within **fourteen (14) calendar days** of their review being request.	CEO/PEO
xi.	**Consider any Opportunities for Improvement to this process** Consider the opportunities for improvement that may have emerged during the process and record these within a Continuous Improvement Report for consideration at a future management meeting. Refer to: PP4.7 - Continuous Improvement and PP4.3 - Management Meeting.	Student Support Officer DOS CEO/PEO
xii.	**Document Response** The appeal record must be updated and recorded in the *Complaints and Appeals Register*. All associated documents relevant to the appeal should be retained including any records of continuous improvement.	DOS CEO/PEO

6. Other documents to consider with this policy

Policies

- Complaints Handling
- Management Meeting
- Continuous Improvement

Forms

- Request for an Appeal of a Decision Form
- Complaints and Appeals Register
- Appeals Response Letter
- Complaints or Appeals Correspondence Record
- Appeals Written Acknowledgement
- Complaints or Appeals Response
- Complaints or Appeals Update
- Continuous Improvement Report

Handbooks, or other documents

- Complaints and Appeal Flow Chart
- International Student Handbook

7. Reference(s)

I. **Outcome Standards for RTOs, Standard 2.8. Effective appeal processes are available where decisions of the RTO or a third party adversely impact a VET student.**

The RTO demonstrates:

(a) VET students are informed about avenues for appeal

(b) an appeals management system that:

  (i) ensures students are afforded procedural fairness

  (ii) identifies reasonable timeframes for actioning appeals

  (iii) provides avenues for review by an independent party, if requested by the student (at no or low cost to them)

(c) appeal outcomes are documented and communicated to the student

(d) the outcomes of appeals are used to inform continuous improvement.

I. **Standard 10: Complaints and appeals National Code of Practice for Providers of Education and Training to Overseas Students 2018**

Overview

Registered providers need to have an internal complaint handling and **appeals process** in place. Professional, timely, inexpensive and documented complaints handling and appeals processes ensure that grievances between overseas students and registered providers can be heard and addressed.

Registered providers must:

- have and implement a documented internal complaint handling and appeals policy and process;
- advise an overseas student within 10 working days of their right to access an external appeals process and provide contact details, if the overseas student is not satisfied with the outcome of the internal complaints and appeals process; and
- immediately implement any decision or recommendation in favour of the overseas student through the internal or external appeals process.

Key Requirements

Internal complaints and appeals processes

Registered providers must give overseas students information about the registered provider's policy and process for the internal complaints handling and appeals process that is comprehensive, free and easily accessible.

Registered providers' internal complaints and appeals must:

- have a process for overseas students to lodge a formal complaint or appeal if a matter cannot be resolved informally;
- respond to any complaint or appeal an overseas student makes about the registered provider or any agent or related party the registered provider engages;
- begin assessing a complaint or appeal within 10 working days of the overseas student lodging it, and finalise the outcome as soon as practicable;
- conduct the assessment of the complaint or appeal in a professional, fair and transparent manner;
- ensure the overseas student has an opportunity to present their case at minimal or no cost, and be accompanied and assisted by a support person if necessary; and
- give the overseas student a written statement of the outcome of the appeal, including the reasons for the outcome, and keep a written record of complaints or appeals on the overseas student's file.

If the overseas student's appeal relates to a decision to cancel the student's enrolment, the provider must wait for the internal complaints process to be completed before they can proceed.

However, the registered provider must not report the overseas student through Provider Registration and International Student Management System (PRISMS) for unsatisfactory course progress or attendance until the overseas student has accessed the internal and external complaints handling and appeals process, and the decision or recommendation supports the registered provider (see Standard 8).

If the overseas student is not successful in the registered provider's internal complaints handling and appeals process, the registered provider must advise the overseas student of their right to access an external complaint handling and appeals process at minimal or no cost. This advice must be given to the overseas student within 10 working days of the completion of the internal complaints handling and appeals process. External complaints and appeals processes.

The registered provider must give overseas students the contact details of the appropriate external complaints handling and appeals body. For most registered providers, the appropriate external complaints body will be:

- state and territory offices of the Ombudsman, for public providers
- the Overseas Student Ombudsman (OSO), for private providers (except for issues of broader educational quality)

Private providers need to make specific arrangements for independent review of complaints about issues not covered by the Australian Competition and Consumer Commission (ACCC) or the OSO.

Registered providers should make clear to overseas students that in most cases, the purpose of the external appeals process is to consider whether the registered provider has followed its policies and procedures, rather than make a decision in place of the institution.

For example, if an overseas student appeals against his or her subject results and goes through the registered provider's internal appeals process, the external appeals process would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

A registered provider must only report an overseas student for unsatisfactory course progress or attendance in PRISMS after:

- the internal and external complaints processes have been completed, and the breach has been upheld;
- the overseas student has chosen not to access the internal complaints and appeals process within the 20-working day period;
- the overseas student has chosen not to access the external complaints and appeals process; or
- the overseas student withdraws from the internal or external appeals process, by notifying the registered provider in writing.

When an external appeals process has been completed, the registered provider must immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process and notify the overseas student of the outcome.

Further complaints and appeals

If an overseas student is not satisfied with the outcome of either the registered provider's internal appeals process or the following external appeals process, they can access multiple external appeals. However, the registered provider does not have to assist the overseas student with finding further appropriate appeals processes.

8. Version Control

Policy area	Student Support
Standards	Outcome Standards for RTOs, Standard 2.8 Standard 10 of the National Code 2018
Responsibility	CEO/PEO Trainers and Assessors, DOS, Student Support Officer, Trainer and Assessor
Classification	Public
Approved Date	July 2025
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