



NEWCASTLE
GRAMMAR
SCHOOL

Overseas Students Policy and Procedures

Policy Number (PN): 3.0

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Overseas Students Policy and Procedures

1. Legislation

NSW legislation:

- *Education Act 1990* ('the Education Act')

Commonwealth legislative framework:

- *Education Services for Overseas Students (ESOS) Act 2000 (amended 2015)* ('the ESOS Act')
- *ESOS Regulations 2019*
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018* ('the National Code')
- *Education Services for Overseas Students (TPS Levies) Act 2012*

2. Requirements – Rationale and Objectives

Newcastle Grammar School Limited ('the School') is listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The School's CRICOS Provider Code is 02344D.

The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is maintained by the Australian Government's Department of Education, Skills and Employment (DESE) under the ESOS Act. As a CRICOS provider, the School is registered to deliver Junior (Years 7-10) and Senior Secondary (Years 11 and 12) courses to overseas students. Any references in this document to the 'registered provider', 'provider' or 'school provider' means the School or the School as a CRICOS provider.

A CRICOS overseas student is a person (within or outside) Australia who holds a student visa (subclass 500) as defined by the ESOS Act; except as part of an approved secondary student exchange programme (3-12 months) who enters the country on an 'Acceptance Advice for Secondary Exchange Student' (AASES) form. In this policy and procedures, the terms 'overseas student' and 'International student' mean the same thing and are used interchangeably.

Prospective overseas student enrolments will be required to submit evidence of their visa status. The School does not arrange a Confirmation of Appropriate Accommodation and Welfare (CAAW) for proposed overseas students. As such, an overseas student can only enrol at the School with their parent or relative approved by the Department of Home Affairs (DHA). Throughout this policy and procedures, they are referred to as a 'DHA approved parent or relative'.

The NSW Education Standards Authority (NESA) regulates registered providers against the requirements in the [Guidelines for Approved NSW School Providers Delivering Courses to Overseas Students](#) ('the NESA Guidelines'), as published by the NSW Education Standards Authority (NESA). The School ensures that it maintains evidence of compliance with the ESOS legislative framework as detailed in the NESA Guidelines.

The NESA Guidelines provide details about:

- the legislative basis for approving NSW school providers to deliver courses to overseas students
- the responsibilities of NESA in relation to the approval of NSW school providers to deliver courses to overseas students
- the requirements for school providers delivering courses to overseas students
- NESA's procedures for approval of a school provider to deliver courses to overseas students
- for refusal, amendment, suspension or cancellation of a school provider's approval
- procedures for appeal of certain decisions.

This policy details how the School complies with the relevant legislation and maintains evidence of its compliance in accordance with the NESA Guidelines. This policy is to be read in conjunction with the NESA Guidelines and other relevant School policies. The Schedules contain further information about the School's procedures for overseas students.

The section numbers in this policy refer to the sections of Part 3 of the NESA Guidelines (Section 3.1 of this policy relates to section 3.1 of the NESA Guidelines etc.).

The relevant legislation and the NESA Guidelines are amended from time to time and the School abides by the current legislation and amendments, through regular training and internal policy review processes.

The table below is an excerpt from the NESA Guidelines and shows the relationship between the requirements and the Legislation.

#	Requirement	Reference
3.1	PEO certification of compliance with the ESOS Act	ESOS Act
3.2	Fit and proper test	ESOS Act 7A
3.3	Australian residency	ESOS Act 11
3.4	Marketing information and practices	National Code Standard 1
3.5	Recruitment of an overseas student	National Code Standard 2
3.6	Formalisation of enrolment and written agreements	National Code Standard 3
3.7	Education agents	National Code Standard 4
3.8	Younger overseas students	National Code Standard 5

3.9	Overseas student support services	National Code Standard 6
3.10	Overseas student transfers	National Code Standard 7
3.11	Overseas student visa requirements	National Code Standard 8
3.12	Deferring, suspending or cancelling the overseas student's enrolment	National Code Standard 9
3.13	Complaints and appeals	National Code Standard 10
3.14	Additional registration requirements including notifications to NESAs	National Code Standard 11 and the Education Act
3.15	Application fees	The Education Act

3. Requirements and Evidence of Compliance

3.1 Principal Education Officer (PEO) certification of compliance with the ESOS Act

Requirement

The Principal Education Officer (PEO) is the Head of School. The PEO certifies that the School has in place policies and procedures to ensure that the School is compliant with requirements of the ESOS Act.

Evidence of Compliance and records

This policy and procedures, and the evidence of implementing the policy and procedures is the evidence of compliance with meeting the requirements of the ESOS Act.

3.2 Fit and proper test

Requirement

The Head of School must, for the current approval period, make a Statutory Declaration for School Providers in the form of the statutory declaration in **Schedule 1**.

Evidence of Compliance and records

The Head of School signs the Statutory Declaration for School Providers for the current period of approval. This record is maintained and kept in the Office of Business and Financial Services, in accordance the School's record keeping policies and procedures.

3.3 Australian residency

Requirement

The school provider must be a resident of Australia. Under section 5 of the ESOS Act 'resident' means a company or unincorporated body that carries on business in Australia and that has its central management and control in Australia.

Evidence of Compliance and records

The School is a non-government school, with a current certificate of Registration and Accreditation as a provider of Education approved by the NSW Minister for Education. The Newcastle Grammar School Constitution is held by Company Secretary and is available publicly via the Australian Charities and Not-for-profits Commission (ACNC) website.

Title: Newcastle Grammar School Limited

ABN: 19 054 234 141

Address: 60 Newcomen Street, Newcastle, NSW 2300

Phone: +61 2 4929 5811

Head of School: Mr Matthew Macoustra

Residency Status: Australian

Email: matt.macoustra@ngs.nsw.edu.au

3.4 Marketing information and practices

Requirement

Registered providers must uphold the integrity and reputation of Australia's education industry by ensuring the marketing of its courses and services is not false or misleading and is consistent with Australian Consumer Law, in accordance with the National Code Standard 1.

This includes:

- Not claiming to commit to securing a migration outcome for the student
- Not guaranteeing a successful education assessment outcome for the student or intending student
- Providing the CRICOS registered name and registration number in any written or online material disseminated or made publicly available
- Not actively recruiting a student where this clearly conflicts with the registered provider's obligations under the National Code Standard 7 (Overseas student transfers).

Records

A school provider must maintain records of marketing and other material used in relation to overseas students including marketing material which is part of the School's website, prospectus, application forms and overseas student handbooks or information packages.

Evidence of Compliance and records

3.4.1 All marketing materials for overseas students are publicised on the School's website: <https://www.ngs.nsw.edu.au/entry-to-ngs/international-students>.

3.4.2 The School complies with and maintains evidence of complying with section 3.4 of the NESA Guidelines.

3.4.3 Records of marketing and other material used in relation to overseas students are

managed and maintained by the Head of Enrolments.

3.5 Recruitment of an overseas student

Requirement

Registered providers must recruit responsibly by ensuring students are appropriately qualified for the course for which they seek enrolment, including having the necessary English language proficiency, educational qualifications and work experience. Students must have sufficient information to enable them to make informed decisions about studying with their chosen registered provider in Australia, as per the National Code Standard 2.

Records

A school provider must maintain records of:

- information, consistent with section 3.5.1 of the NESA Guidelines, that has been made available to overseas students and intending overseas students
- for each overseas student enrolled, the basis of the school provider's assessment of the student's English language proficiency in relation to the course being undertaken
- the school provider's assessment of, and decision in relation to, any application for RPL or course credit, where applicable.

Evidence of Compliance and records

- 3.5.1 The School's cancellation and refund policy is contained in **Schedule 2**.
- 3.5.2 The School's policy and procedures to assess whether the student's English Language Proficiency (ELP) is sufficient to enable them to undertake the course are in **Schedule 3**.
- 3.5.3 The School's policy and procedures for assessing, granting and recording Recognition of Prior Learning (RPL) or course credit are in **Schedule 4**.
- 3.5.4 Records of cancellations and refunds are maintained by the Head of Finance and Business Services.
- 3.5.5 The student's English Language Proficiency records are requested and sighted by the Head of Enrolments at the application stage. A record is maintained on the student's file on TASS.web.
- 3.5.6 Evidence that the School recruits overseas students responsibly in accordance with the National Code Standard 2 and section 3.5 of the NESA Guidelines.

3.6 Formalisation of enrolment and written agreements

Requirement

Registered providers must formalise their enrolment of overseas students through written agreements with overseas students. The written agreements protect the rights and set out the responsibilities of each party, as well as the courses and related education services to be provided, tuition and non-tuition fees payable, and refund policies (National Code Standard 3).

The requirements for written agreements are:

- they are signed by students or otherwise accepted prior to the payment of tuition or non-tuition fees
- they are in a form that meets the requirements of the ESOS Act and the National Code
- if the student is under 18 years of age, they must be signed by the student's parent or legal guardian
- they include the requirements as set out in section 3.6.3 of the NESAs Guidelines in relation to course information
- they include information about refunds of tuition and non-tuition fees for student and provider default as per section 3.6.4 of the NESAs Guidelines
- they include information about notifying the provider about student contact details, any changes and how to notify the provider.

Evidence of Compliance and records

3.6.1 The School ensures that its written agreement with overseas students is consistent with the requirements in section 3.6 of the NESAs Guidelines (National Code Standard 3).

3.6.2 The Head of Enrolments maintains records, for each overseas student enrolled, of:

- a signed written agreement with the overseas student, and parent or legal guardian, if the student is under 18 years of age, consistent with sections 3.6.3 to 3.6.5 of the NESAs Guidelines.
- the student's current residential address, mobile number (if any), email address (if any) and emergency contacts.
- the completed Supplementary Enrolment Form.
- The Head of Enrolments will process applications to transfer in accordance with the procedures outlined in **Schedule 7**.

The Head of Enrolments will upload the information onto the student's file on TASS.web and will maintain a copy in the student's hard copy file. The School maintains these records for at least two years after the overseas student ceases to be a student at the School.

3.7 Education agents

The School does not currently engage the services of Education Agents in the recruitment of overseas students.

3.8 Younger overseas students

Requirement

Registered providers of overseas students aged under 18 must meet legislative or other regulatory requirements relating to child welfare and protection. Registered providers of overseas students aged under 18 must provide the students with emergency contact

information and information about how to report actual or alleged abuse (National Code Standard 5).

The provider must:

- Maintain evidence that it meets Commonwealth and State legislation relating to child welfare and protection (section 3.8.1 of the NESA Guidelines)
- Provide to the student age and culturally appropriate information on who to contact in emergency situations or seeking assistance or reporting any incident or allegation involving actual or alleged sexual, physical or other abuse (section 3.8.2 of the NESA Guidelines)
- Have processes if the provider is unable to contact a student and has concerns for the student's welfare, the registered provider must make all reasonable efforts to locate the student, including notifying the police and any other relevant Commonwealth and State agencies as soon as practicable. (section 3.8.5 of the NESA Guidelines)
- Have processes for enrolling students who have had welfare arrangements approved by another registered provider (section 3.8.7 of the NESA Guidelines).

The evidence of compliance for this requirement follows and is organised into three sections:

- A. Overarching evidence of compliance where a school provider enrolls students under 18 years of age, regardless of who approves the welfare and accommodation
- B. Evidence of compliance where welfare and accommodation are approved by the school provider - Confirmation of Appropriate Accommodation/Welfare Arrangements (CAAW) letter issued by the school provider
- C. Evidence of compliance where welfare and accommodation are approved by DHA – no CAAW letter is issued by the school provider

As Newcastle Grammar School Limited **does not** approve the welfare and accommodation arrangements of overseas students, the School maintains Evidence of Compliance **Records A** and **Records C** only.

Evidence of Compliance and records

3.8.1 The School's Younger Students Welfare and Protection Policy is in **Schedule 5**.

3.8.2 **Records A:** The School maintains:

- up-to-date records of the living arrangements for each enrolled overseas student under 18 years of age, including the contact details of the student's DHA approved parent or relative responsible for the student's welfare
- this information is recorded on the NGS Enrolment Form and NGS Supplementary Enrolment Form. The Head of Enrolments will send an email to the DHA approved parent or relative at the beginning of each Semester to re-confirm contact details and will maintain correspondence records. Note – the School does not accept enrolments for overseas students who will not be living with a DHA approved

parent or relative.

- records of the information provided to overseas students consistent with section 3.8.2 of the NESAs Guidelines that state that Registered providers must ensure students under 18 years of age are given age-and- culturally-appropriate information on:
 - who to contact in emergency situations, including contact numbers of a nominated staff member and/or service provider to the registered provider (This is provided to the student during Orientation).
 - seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse).

This is in the form of information that is given to students during Induction. The Head of Enrolments will upload the information onto the student's file on TASS.web.

- Where applicable, records of complying with section 3.8.5 of the NESAs Guidelines where the School is unable to contact an overseas student (and/or the DHA approved parent or relative) and has concerns for the student's welfare (If the registered provider is unable to contact a student and has concerns for the student's welfare, the registered provider must make all reasonable efforts to locate the student, including notifying the police and any other relevant Commonwealth, state or territory agencies as soon as practicable.)
 - The Deputy Head of School will manage this process and will make every reasonable effort to locate the student, including notifying the police and any other relevant Commonwealth, state or territory agencies as soon as practicable. Other School policies will be followed as necessary, included but not limited to the *Child Protection Policy*, the *Student Wellbeing Policy* and the *Critical Incident Policy*.
- A daily roll and a class roll is taken every period. These procedures and the procedures for monitoring student welfare are outlined in the School's *Attendance Policy and Procedures*.
- Where applicable, records of complying with section 3.8.7 of the NESAs Guidelines where the School enrolls an overseas student who, at the time of enrolment, had welfare arrangements approved by another registered provider (relates to when a student transfers from another Registered Provider). See **Schedule 7** for procedures. Records of correspondence and evidence are maintained by the Head of Enrolments on the student's file in TASS.web.

3.8.1 **Records C:** The School maintains:

- evidence of complying with section 3.8 of the NESAs Guidelines by having and implementing a policy and procedure for monitoring the living arrangements of overseas students living with a DHA approved parent or relative. The School does

not approve the living arrangements of overseas students, so does not hold records of compliance with this.

- evidence of complying with section 3.8 of the NESGA Guidelines by having and implementing a policy and procedure for responding to concerns about the accommodation or welfare of an overseas student under 18 years of age raised through the school provider's monitoring or any other credible source of information. Staff will monitor the overseas student and keep records of any monitoring as per the *Student Wellbeing Policy*.
- records of the activities undertaken in monitoring the living arrangements of each overseas student living with a DHA approved parent or relative. The *Supplementary Enrolment Form* has a checklist for parents/legal guardians to complete about the living arrangements prior to the enrolment commencing. These procedures are contained in **Schedule 5**.
- The School is committed to complying with the Commonwealth, state or territory legislation or other regulatory requirements relating to child welfare and protection in NSW. The School's *Child Protection Policy* applies to overseas students. (National Code Standard 5). (See **Schedule 5** for procedures).

3.9 Overseas student support services

Requirement

Registered providers must assist overseas students to adjust to study and life in Australia and have appropriate orientation programs that help overseas students to access the information and services they require (National Code Standard 6).

The registered provider must:

- Support the overseas student in adjusting to study and life in Australia by providing information to or providing an orientation programme
- Provide relevant information or referrals to overseas students at no additional cost
- Offer reasonable support to enable overseas students to achieve expected learning outcomes at no additional cost
- Facilitate access to learning support services
- Designate a member or members of staff to be the official point of contact
- Have sufficient learning support personnel to meet the needs of overseas students
- Ensure that all of its staff who interact directly with the overseas student are aware of the registered provider's obligations under the ESOS framework
- Have and implement a policy and procedures for managing critical incidents that could impact the overseas student
- Provide a safe environment on campuses
- Provide information to overseas students about how to seek assistance for or report incidents

- Provide information about or refer overseas students to general information on safety and awareness relevant to life in Australia

Records

The school provider must maintain:

- records that identify the designated staff member(s) consistent with sections 3.9.5 and 3.9.6 of the NESA Guidelines – this is provided to students at Orientation
- copies of the orientation program conducted for overseas students that is consistent with section 3.9.1 of the NESA Guidelines – the Head of Enrolments will record a note on the student's file in TASS.web, indicating when the Orientation programme (as outlined in **Schedule 6**) and which personnel conducted this
- where applicable, records of any critical incident affecting an overseas student and the actions taken by the school provider – these will be recorded on the student's file in TASS.web.

The school provider must have evidence of complying with section 3.9 of the NESA Guidelines:

- by having and implementing a documented policy and procedures for managing critical incidents consistent with section 3.9.8 of the NESA Guidelines
- including information about support services made available to overseas students consistent with section 3.9 of the NESA Guidelines.

Evidence of Compliance

- 3.9.1 The School's Overseas Student Support Policy and Visa Requirements are in **Schedule 6, Schedule 8**, the [NGS website](#) and the [International Students Handbook](#).
- 3.9.2 The Head of Enrolments and the Risk, Compliance and Innovation Manager will ensure that support personnel are regularly briefed, updated and trained as necessary.
- 3.9.3 The School will implement the *Student Wellbeing Policy* if required to support the overseas student. The overseas student will also be monitored and supported by their Mentor Teacher, Head of House and the Deputy Head of School if required.
- 3.9.4 The School has a *Critical Incident Policy* which is to be used for overseas students. Records of any critical incidents that affect an overseas student will be maintained on the student's file on TASS.web.

3.10 Overseas student transfers

Requirement

Registered providers must not knowingly enrol an overseas student wishing to transfer from another registered provider's course prior to the student completing six months of the first registered school sector course, except in certain circumstances, in accordance with National Code Standard 7.

The school provider must have evidence of complying with section 3.10 of the NESA Guidelines

by having and implementing a policy and procedures in relation to student transfers that includes:

- the procedure for not knowingly enrolling an overseas student seeking to transfer from another registered school provider's course prior to the student completing the first six months of the first registered school sector course (Except in the circumstances outlined in section 3.10.1 of the NESAs Guidelines)
- the procedure by which an enrolled overseas student makes a request to transfer to another registered provider that includes steps, circumstances in which the school provider will grant the transfer request, circumstances in which the registered provider considers as reasonable grounds to refuse the transfer and timelines for assessing and replying to the overseas student's transfer request
- processes for obtaining written confirmation that parent or legal guardian supports the transfer
- confirmation that these processes are undertaken at no cost to the overseas student
- processes for providing written confirmation if a transfer request is refused and information on accessing complaints and appeals processes
 - processes and timelines to update PRISMS in reference to the outcome of a transfer request
 - record keeping practices for transfer requests and outcomes that are maintained for two years after the overseas student ceases to be an enrolled student.

Records

A school provider must maintain records, where applicable, of:

- a request from an enrolled overseas student to transfer to another registered provider
- the approval, or otherwise, of the overseas student's parent or legal guardian in relation to the transfer
- the decision in relation to a transfer request and the subsequent communication of this decision to the overseas student and, if the student is under 18 years of age, the student's parent(s) or legal guardian
- the change to the overseas student's enrolment in PRISMS.

Evidence of Compliance

3.10.1 The School's Policy, which complies with section 3.10 of the NESAs Guidelines regarding Overseas Student Transfers is in **Schedule 7**. This includes the procedures for not knowingly enrolling an overseas student seeking to transfer from another registered school provider's course prior to the student completing the first six months of the first registered provider's course, the procedure by which the overseas student makes a request to transfer, the procedure by which the provider assesses the request to transfer and how the overseas student is informed of the decision.

3.10.2 The School maintains records, where applicable, of:

- any requests from an enrolled overseas student to transfer to another registered provider

- the approval, or otherwise, of the overseas student's parent or legal guardian in relation to the transfer
- the decision in relation to a transfer request and the subsequent communication of this decision to the overseas student and, if the student is under 18 years of age, the student's parent(s) or legal guardian
- the change to the overseas student's enrolment in PRISMS.

These records will be kept by the Head of Enrolments and will also be uploaded onto the student's file on TASS.web. In addition, changes to enrolment are also maintained in PRISMS.

3.10 Overseas student visa requirements

Registered providers must safeguard the integrity of Australia's migration laws by supporting overseas students to complete their course within the required duration and fulfil their visa requirements for course attendance and course progress. National Code Standard 8 sets flexible provisions to allow online learning while maintaining appropriate standards for overseas students to comply with student visa conditions (National Code Standard 8).

Requirement

A school provider must have evidence of complying with section 3.11 of the NESA Guidelines by having and implementing policies and procedures in relation to:

- course progress and attendance, consistent with sections 3.11.1 to 3.11.7 of the NESA Guidelines.
- reporting unsatisfactory course progress or unsatisfactory attendance, consistent with sections 3.11.8 to 3.11.10 of the NESA Guidelines
- allowable extensions of course duration, consistent with sections 3.11.11 and 3.11.12 of the NESA Guidelines
- modes of delivery, consistent with sections 3.11.13 to 3.11.16 of the NESA Guidelines.

Evidence of Compliance and Records

3.10.1 The School maintains for each overseas student enrolled:

- The School's Overseas Students Policy and Procedures which covers course progress and attendance, reporting unsatisfactory course progress or unsatisfactory attendance, allowable extensions of course duration and modes of delivery is in *Schedule 8*.
- an assessment of the overseas student's course progress for each study period, and where applicable, records of the intervention strategies undertaken where an overseas student was assessed as not making satisfactory course progress (uploaded onto the student's file on TASS.web).
- a record of the overseas student's attendance rate for each study period, and where applicable, records of the intervention strategies undertaken where the school provider identified concerns with the student's attendance rate (uploaded

onto the student's file on TASS.web).

- if applicable, records of an extension of an overseas student's course duration (uploaded onto the student's file on TASS.web).
- if applicable, records of reporting unsatisfactory course progress or unsatisfactory attendance to DHA (uploaded onto the student's file on TASS.web).

The School provides induction materials that include expectations for course progress and attendance. The School will maintain these records on the students file in TASS.web. This will be managed by the Head of Enrolments.

3.11 Deferring, suspending or cancelling the overseas student's enrolment

Requirement

Registered providers must appropriately manage the enrolment of their overseas students and ensure all necessary information about enrolments has been provided to the relevant government department by maintaining updated information in the *Provider Registration and International Student Management System* (PRISMS) database (National Code Standard 9).

A school provider must have evidence of complying with section 3.12 of the NESA Guidelines by having and implementing policies and procedures for:

- assessing, approving or initiating a deferment of the commencement of study, a suspension of study or the cancellation of an overseas student enrolment that are consistent with the intent of section 3.12 of the NESA Guidelines
- informing overseas students of their right to appeal through the School's internal complaints and appeals
- informing overseas students and parents of overseas students under 18 years of age of any identified risk of suspension of or cancellation of student enrolment in writing
- informing an overseas student of the need to seek advice from Immigration on the potential impact on his or her visa
- not suspending or cancelling an overseas student's enrolment until the internal appeals process is completed, having regard to the overseas student's health and wellbeing or the risk to the wellbeing of others
- maintaining records of decision making in relation to section 3.12 of the NESA Guidelines

Records

- A school provider must maintain, for each overseas student enrolled, where applicable:
 - any request for deferment or suspension of enrolment

- evidence of how any such request has been assessed by the school provider and how the overseas student was informed in writing of the outcome of the request
- any action taken by the school provider with regard to deferring, suspending or cancelling the overseas student's enrolment including evidence of the written advice given to the overseas student and parent including that the student has 20 working days in which to appeal a decision
- any complaint or appeal made by the overseas student and written evidence of the overseas student being notified of the outcome of the process
- evidence of notification to the Australian Government Department of Education through PRISMS of any change to the enrolment status of the overseas student.

Evidence of Compliance

- 3.11.1 The School's Deferring, Suspending or Cancelling the Student's Enrolment Policy is in **Schedule 2**. Records created are uploaded to the student's file on TASS.web.
- 3.11.2 The School maintains, for each overseas student enrolled, where applicable:
- any request for deferment or suspension of enrolment
 - evidence of how any such request has been assessed and how the overseas student was informed in writing of the outcome of the request
 - any action taken with regard to deferring, suspending or cancelling the overseas student's enrolment including evidence of the written advice given to the overseas student and parent including that the student has 20 working days in which to appeal a decision
 - any complaint or appeal made by the overseas student and written evidence of the overseas student being notified of the outcome of the process
 - evidence of notification to the Australian Government Department of Education (DESE) through PRISMS of any change to the enrolment status of the overseas student.

All records are maintained on the student's file in TASS.web.

3.12 Complaints and appeals

Requirement

Registered providers must ensure their overseas students have the right to natural justice protected through access to professional, timely, inexpensive and documented complaints handling and appeals processes (National Code Standard 10).

The registered provider must have and implement a documented internal complaint handling and appeals process, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.

A school provider must have evidence of complying with section 3.13 of the NESA Guidelines including:

- policies and procedures for handling complaints and appeals with processes for internal review and independent external review that are consistent with sections 3.13.1 to 3.13.4 of the NESA Guidelines
- a statement in the policies and procedures of the school provider's obligation to maintain the enrolment of an overseas student whilst a complaint and/or appeal is considered
- evidence that the policies and procedures are communicated to staff and overseas students
- access to an independent external body for the provision of dispute resolution. Where the independent external body accessed is other than the Overseas Student Ombudsman, a written agreement with the independent external body.

Records

A school provider must maintain, for each overseas student enrolled, where applicable:

- a record of any complaint made to the provider and the nature of the complaint
- the written notification of the outcome of the complaint and appeal, if relevant, that were provided to the overseas student
- a record of the corrective or preventative action taken where the outcome of a complaint was decided in the overseas student's favour.

Evidence of Compliance

3.12.1 The School's Complaint and Appeals Policy that complies with section 3.13 is in **Schedule 9**. This includes a statement that the overseas student's enrolment will be maintained whilst a complaint/and or appeal is considered.

3.12.2 The School maintains for each overseas student enrolled, where applicable:

- a record of any complaint made and the nature of the complaint
- the written notification of the outcome of the complaint and appeal, if relevant, that were provided to the overseas student
- a record of the corrective or preventative action taken by the school provider where the outcome of a complaint was decided in the overseas student's favour.

Records relating to the above are kept in accordance with the *Complaints and Grievance Resolution Policy and Procedure – School Community* – which is located on the NGS website – <https://www.ngs.nsw.edu.au/about/policies>. In addition, relevant records are uploaded to the student's file on TASS.web.

The policies and procedures for resolving Complaints and Grievances are communicated to overseas students via the NGS website and are also provided directly to overseas students and their DHA approved parent or relative on enrolment.

The policies and procedures for resolving Complaints and Grievances are communicated to

staff via PolicyConnect, Schoolbox news announcements, training sessions and information sessions. Staff training is managed by the Director of Learning and Teaching and the Risk, Compliance and Innovation Manager.

3.13 Additional registration requirements including notifications to NESA

Requirement

Registered providers must continue to meet the requirements for CRICOS registration and ensure the ESOS agency for the registered provider approves, and has up-to-date information on, specific aspects of the registered provider's operations and any registered courses (National Code Standard 11).

Evidence of compliance and records

- 3.13.1 The School certifies that it has adequate staffing and education resources to deliver its registered courses to overseas students, consistent with section 3.14.2 of the NESA Guidelines. This information is available on request for inspection by the relevant authorities.
- 3.13.2 The School will maintain evidence of complying with section 3.14 of the NESA Guidelines by having documented procedures to make the notifications identified in section 3.14 of the NESA Guidelines. This information is available on request for inspection by the relevant authorities.

3.14 Application fees

Requirement

To maintain approval to provide courses for overseas students a school provider must make payment of fees, within the period specified on the invoice, as determined by NESA and published on the NESA website.

The school provider must also ensure payment of any fee charged by any other authority, within the period specified on the invoice, such as the Australian Government Department of Education for approval or registration to deliver course to students from overseas.

Evidence of Compliance and records

The Head of Finance and Business Services manages this process and maintains the relevant records.

4 Schedules

SCHEDULE 1 - Statutory Declaration under the New South Wales Oaths Act 1900 for school providers

Statutory declaration on behalf of the Provider seeking approval to provide courses to overseas students in NSW schools under the following NSW and Commonwealth legislation and guidelines (henceforth 'NSW and Commonwealth legislation and guidelines'):

- *Education Act 1990*
- *Education Services for Overseas Students (ESOS) Act 2000 (amended 2015)* ('the ESOS Act')
- *ESOS Act Regulations 2019*
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018* ('the National Code')

I,

[insert full name of Principal Executive Officer (PEO)]

of.....

[insert address]

in the State of New South Wales, solemnly and sincerely declare that:

1. In respect of Newcastle Grammar School Limited ('the Provider'), I am authorised to make this statutory declaration on behalf of the Provider.
2. The Provider is seeking approval to provide courses to overseas students within New South Wales, with that approval forming the basis for registration by the Secretary ('the Secretary') of the Australian Government Department of Education, Skills and Employment (DESE) under the NSW and Commonwealth legislation and guidelines.
3. In relation to the delivery to overseas students, I understand that the Secretary can register a Provider only if the Secretary receives from the designated state authority for New South Wales:
 - a certificate that the Provider complies with the National Code, established under Part 4 of the ESOS Act
 - advice in writing that the Provider has satisfied the NSW Education Standards Authority (NESA) that the Provider is fit and proper to be registered under section 11 of the ESOS Act.
4. I understand that NESA will rely on the completed Application for Renewal of Approval or Application for Initial Approval ('the Application') and on evidence tendered by the Provider in support of the Application (including this Statutory Declaration), and onsite visit(s) and inspection(s) in making its decision to certify the Provider's compliance with the ESOS Act and National Code as identified in the Guidelines for Approved NSW School Providers Delivering Courses to Overseas Students ('the NESA Guidelines') and that the Provider is fit and proper to be registered. I understand that NESA, in relation to applications for approval to deliver courses to overseas students, will share the

information collected on the Provider's compliance with the Australian Government Department of Education, Skills and Employment in accordance with the regulatory requirements of the NSW and Commonwealth legislation and guidelines.

5. I have copies of the NSW and Commonwealth legislation and guidelines and I have read, understood and agree to abide by all the provisions therein. I have sought legal advice to clarify any aspects of the legislation and guidelines that I did not previously understand.
6. I declare that the Provider:
 - carries on business in Australia
 - has its central management and control in Australia
 - if a company (or other body corporate) is incorporated in Australia
 - complies with the NSW and Commonwealth legislation and guidelines as currently in force
 - undertakes to comply with the NSW and Commonwealth legislation and guidelines as amended from time to time
 - is fit and proper to be registered.
7. In relation to delivery to overseas students, I declare that neither the Provider, nor any associate of the Provider (associate as defined in section 6 of the ESOS Act), nor a high managerial agent of the Provider who has been, is or will be involved in the business of delivering programs to overseas students has:
 - been convicted of a criminal offence
 - been convicted of an offence under the ESOS Act 2000 in the last five years
 - ever had its CRICOS registration cancelled or suspended under the Commonwealth Acts
 - ever been issued with an Immigration Minister's suspension certificate under the Commonwealth Acts
 - ever had conditions imposed on its registration under the Commonwealth Acts
 - been bankrupt
 - ever been disqualified from managing corporations under the Corporations Law
 - ever been involved in the business of the provision of courses by another Provider
 - who is covered by any of the above points.
8. Before making this declaration, I have examined the records of the Provider, any associate of the Provider and high managerial agent(s) of the Provider and have made all due and proper inquiries of the employees and agents of the Provider and any associate, so as to ensure that this Declaration is true and correct in every particular and does not omit any relevant information.
9. I declare that my employment history for the five years prior to taking up the position of Principal Executive Officer (PEO) of the Provider was as follows:

Dates		Position held	Legal name and location of previous employers	Trading name of previous employers
From	To			

10. Furthermore, as prescribed under the NSW and Commonwealth legislation and guidelines, I agree to undertake on behalf of and with the authority of the Provider:
- to notify NESAs in writing if the Provider or any associate of the Provider or high managerial agent of the Provider is convicted of an offence
 - to notify NESAs in writing if any associate of the Provider or a high managerial agent of the Provider has been made bankrupt or the Provider has gone into liquidation
 - to notify NESAs in writing of changes in Provider ownership, name, address, management status or a change to the Principal Executive Officer (or equivalent) of the Provider
 - in relation to delivery to overseas students, to notify NESAs and the Department of Home Affairs (DHA) of changes in information about accepted students
 - to market course provision in an ethical and responsible manner.

I make this solemn declaration, conscientiously believing the same to be true and by virtue of the *Oaths Act 1900*.

Declared at: on

[place] [date]

[signature of declarant]

in the presence of an authorised witness, who states:

I,, a,

[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it:

*[*please cross out any text that does not apply]*

*I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

*I have known the person for at least 12 months OR *I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was

[describe identification document relied on]

[signature of authorised witness] [date]

SCHEDULE 2 – Deferring, Suspending or Cancelling the Student's Enrolment Policy (includes Refund Policy)

1. Deferring of Commencement of Study initiated by the student

- (a) The School will only grant a deferring of studies for compassionate and compelling circumstances. These include but are not limited to:
 - (i) illness, where a certified medical certificate states that the student was unable to attend classes
 - (ii) bereavement of close family members such as parents, siblings or grandparents (where possible a certified death certificate should be provided)
 - (iii) major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on studies
 - (iv) due to Government imposed travel restrictions due to COVID-19 pandemic
 - (v) a traumatic experience which has impacted on the student (these cases should be where possible supported by police or psychologists' reports)
- (b) The final decision for assessing and granting a deferment of commencement of studies lies with the Head of School and/or the Head of Finance and Business Services.
- (c) The Head of School and/or the Head of Finance and Business Services will notify the Secretary of DESE via PRISMS of the deferring of commencement of studies, depending on the student's Confirmation of Enrolment (CoE) status.
- (d) When there is any deferral, the registered provider must inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa.

2. Suspending of study initiated by the student

- (a) A suspending of studies occurs when an enrolment is suspended for a period of time under compelling circumstances as determined by the Head of School and/or the Head of Finance and Business Services.
- (b) Once the student has commenced the course, the School will only grant a suspension of study for compassionate and compelling circumstances. These include but are not limited to:
 - (i) illness, where a certified medical certificate states that the student was unable to attend classes
 - (ii) bereavement of close family members such as parents, siblings or grandparents (where possible a certified death certificate should be provided)
 - (iii) major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on studies
 - (iv) due to Government imposed travel restrictions due to COVID-19 pandemic
 - (v) a traumatic experience which has impacted on the student (these cases

- should be where possible supported by police or psychologists' reports)
- (c) The Head of School and/or the Head of Finance and Business Services will notify the Secretary of DESE of the suspending of studies via PRISMS depending on the student's CoE status.
 - (d) The period of suspension will not be included in attendance calculations.
 - (e) The final decision for assessing and granting a deferment of commencement of studies lies with the Head of School and/or the Head of Finance and Business Services.
- 3. Assessing requests for deferring or suspending studies initiated by the student**
- (a) Requests for deferring or suspending of studies initiated by the student will be assessed on merit by the Head of School and/or the Head of Finance and Business Services.
 - (b) All requests for deferring or suspending of studies initiated by the student will be considered by the Head of School and/or the Head of Finance and Business Services within 10 working days.
- 4. Exclusion from class (1 – 28 days)**
- (a) The School may exclude a student from class studies on the grounds of misbehaviour by the student. Exclusion will occur as the result of any behaviour identified as resulting in exclusion by the School's *Behaviour Management Policy*.
 - (b) An excluded student must abide by the conditions of their exclusion from studies which will depend on the welfare and accommodation arrangements in place for each student and which will be determined by the Head of School and/or the Deputy Head of School.
 - (c) Where the student is provided with homework or other studies for the period of exclusion, the student must continue to meet the academic requirements of the course.
- 5. School initiated suspending of studies (28+ days)**
- (a) The School may initiate a suspending or cancellation of studies for a student on the grounds of
 - (i) misbehaviour by the student. Suspension or cancellation will occur as the result of any behaviour identified as resulting in exclusion outlined in the School's *Behaviour Management Policy*
 - (ii) failure to pay course fees
 - (iii) failure to maintain approved welfare and accommodation arrangements (Visa condition 8532).
 - (iv) Breach of Visa conditions.
 - (v) A breach of course progress or attendance requirements by the overseas student, which must occur in accordance with National Code Standard 8 (Overseas student visa requirements).
 - (a) A suspended student must abide by the conditions of their exclusion from studies which will be determined by the Head of School and or the Deputy Head

of School.

- (b) A student who has been suspended for more than 28 days may be required under the terms and conditions of the Australian Government's Student Visa Programme and the DHA, to return to his/her home country unless special circumstances exist (eg the student is medically unfit to travel).
- (c) The Head of School and/or the Head of Finance and Business Services will notify the Secretary of DESE of the suspending of studies via PRISMS depending on the student's CoE status.

6. **Cancelling of enrolment initiated by the student**

A cancelling of enrolment occurs when a family decides to withdraw from enrolment procedures, or the School determines that the enrolment is no longer viable. The School will cancel the enrolment of a student under the following conditions:

- (i) failure to pay course fees
- (ii) any behaviour identified as resulting in exclusion by the School's *Behaviour Management Policy*.
- (b) The Head of School and/or the Head of Finance and Business Services will report failure to maintain satisfactory course progress and failure to maintain satisfactory attendance to the Secretary of DESE via PRISMS depending on the student's CoE status.
- (c) The Head of School and/or the Head of Finance and Business Services will inform the student and the DHA approved parent or relative in writing of the School's intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and will notify the student that he or she has 20 working days to access the School's internal complaints and appeals process as per section 3.13 of the NESA Guidelines (Complaints and appeals) and the National Code Standard 10. If the student accesses the School's internal complaints and appeals process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

7. **Student Default**

Under section 47A of the ESOS Act, an overseas student or intending overseas student defaults, in relation to a course at a location if:

- (a) The course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or
- (b) The student withdraws from the course at the location (either before or after the agreed starting day); or
- (c) The School refuses to provide, or continue providing, the course to the student at the location because of one or more of the following:

- (i) the student failed to pay an amount payable to the School;
- (ii) the student breached a condition of his/her student visa;
- (iii) misbehaviour by the student

NOTE: the student is entitled to natural justice under subsection 47A(3)

NOTE: subsection 47A(2) – A student does not default for failing to start a course on the agreed starting day if he/she does not start that course because the School defaults in relation to the course at the location under subparagraph 46A(1)(a)(i).

8. Refunds and the written agreement

In the Supplementary International Form and Letter of Offer (together these form the written agreement), the following information is included, which is consistent with the requirements of the ESOS Act, in relation to refunds of course-related fees in the case of student and School default:

- (a) Amounts that may or may not be repaid to the student (including any course-related fees collected by the School).
- (b) Processes for claiming a refund.
- (c) The specified person(s), other than the overseas student, who can receive a refund in respect of the overseas student identified in the written agreement, consistent with the ESOS Act.
- (d) A plain English explanation of what happens in the event of a course not being delivered.
- (e) A statement that 'This written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the overseas student to take action under the Australian Consumer Law, if the Australian Consumer Law applies.'

9. Procedures

- (a) The PA to the Head of School will maintain a record of the details and procedures put in place leading to the decision to cancel the enrolment of an overseas student, including a letter informing the parent/legal guardian of an overseas student under 18 years of age of any identified risk of cancellation of student enrolment.
- (b) When there is any suspension or cancellation action taken under this standard, the registered provider must inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa.
- (c) Fees paid to other parties e.g. for parent/legal guardian are not covered by the School's Formalisation of Enrolment and Refunds Policy.
- (d) The application for enrolment fee is non-refundable.
- (e) Payment of course fees and refunds:
 - (i) Fees are payable in accordance with the Schedule of Fees for International students applying at the time of application and enrolment.

- (ii) The Withdrawal/Transfer/Payment section and the required one full term's written notice to the Head of School by the last school day of the term prior to your child's leaving the School.
- (iii) All fees must be paid in Australian dollars.
- (iv) Refunds will be paid in Australian dollars using the banking details provided by you to the School's Finance and Business Services' Office.
- (v) Refunds will be paid to the person/s entering into the Written Agreement unless written notification to the Head of School from the person/s entering the Written Agreement to pay the refund to another party is received.
- (vi) Refunds will be based on the exchange rate that applied on the day that the fees were paid to the School.

10. Refunds in student default situations

Visa refused by Department of Home Affairs (DHA)	Refund of all pre-paid tuition fees less Enrolment Application Fee where student produces Department of Home Affairs evidence of refusal
Failure of the student to meet English testing standards to ensure success at school	Refund of all pre-paid tuition fees less Enrolment Application Fee where student produces evidence of English testing standards
Written notice to the Head of School of cancellation of course more than 28 days before start of agreed course	Refund of all pre-paid tuition fees less enrolment application fee
Written notice to the Head of School of cancellation of course less than 28 days before start of agreed course	No refund of prepaid or enrolment application fees
Written notice to the Head of School for release from course after start of course and release has been approved by the Head of School on reasonable grounds	Refund based on pro-rata fees. Enrolment application fee is not refundable
Agreed course not taken up after start date	No Refund
Agreed course abandoned without written notice	No Refund
Visa conditions breached by student or visa cancelled	No Refund
Student expelled for improper actions by student	No Refund
Failure to pay course fees	No Refund

11. Provider default

Under section 46A of the ESOS Act the School defaults, in relation to an overseas student or intending overseas student and a course at a location, if:

- (a) The School fails to start providing the course to the student at the location on the agreed starting day; or
- (b) after the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.

NOTE: Section 46A sets out further rules prescribing when a provider defaults.

12. Refunds in provider default situation

The School withdraws course before agreed start date and student cannot be placed or student refuses an alternative course arranged by the School	Full refund of any unspent prepaid tuition fees paid to the school will be made in Australian Dollars within 14 days of the agreed course start date
The School is unable to continue offering course after student commencement and student cannot be placed or student refuses an alternative course arranged by the School	Full refund of any unspent prepaid tuition fees paid to the school will be made in Australian Dollars within 14 days of the agreed course start date

SCHEDULE 3 – Policy and procedures to assess whether the student's English language proficiency is sufficient to enable them to undertake the course

1. Policy

- (a) The School recruits overseas students in an ethical and responsible manner and provides information that enables students to make informed decisions about studying at the School. The School ensures students' qualifications and English language proficiency are appropriate for the course for which enrolment is sought in compliance with the National Code Standard 2.
- (b) In addition to the School's [Enrolment Policy](#) the following procedures apply regarding student engagement before enrolment in compliance with the ESOS Act and the National Code.

2. Prior to accepting a student

Prior to accepting a student, or an intending student, for enrolment in a course, the School is to provide, in print or through referral to an electronic copy, current and accurate information regarding the following:

- (a) The requirements for acceptance into a course, including the minimum level of English language proficiency and educational qualifications.
- (b) The course content and duration, qualification offered, modes of study and assessment methods.
- (c) Course duration and holiday breaks.
- (d) The course qualification.
- (e) Campus locations and a general description of facilities, equipment, and learning and library resources available to students.
- (f) Indicative course-related fees including advice on the potential for fees to change during the student's course and applicable refund policies.
- (g) Information about the grounds on which the student's enrolment may be deferred, suspended or cancelled.
- (h) A description of the ESOS framework made electronically available by the DESE.
- (i) Relevant information on living in Australia.

3. English language proficiency

The School assesses a student's English language proficiency through the Application for Enrolment – Supplementary Application for International Students Procedures and by the Enrolments Officer in liaison with the Head of School and the Learning Support English as an Additional Language/Dialect (EAL/D) teacher. The School must maintain records of:

- (a) Proposed enrolment and course structure information that are to be made available to intending overseas students, such as:
 - (i) information available on the school's website
 - (ii) the School's prospectus and course brochures

- (iii) student handbooks
 - (iv) enrolment and application forms
 - (v) notifications to students of course offers.
- (b) Procedures to assess whether the student's qualifications and English language proficiency are appropriate for the course for which enrolment is sought (this occurs at the beginning of the enrolment process and if a considerable time lapses between application and offering a place, the School may request that it is repeated)
- (c) Records for each student demonstrating the basis of the School's assessment of the student's qualifications and English language proficiency for entry into the course for which enrolment has been sought.

4. Requirements for Acceptance

For students in Years 7-12

- (a) In addition to the requirements described in the Application for Enrolment, Supplementary Enrolment Form and the Conditions of Enrolment, the requirements for acceptance into a course, including the appropriate level of proficiency in English and any previous educational qualifications, will be assessed by the Head of Enrolments and the Head of School.
- (b) Work experience is not applicable as a requirement for course entry.
- (c) At present the minimum standard of English proficiency for entry is 7.0 IELTS, depending on the age of the student

SCHEDULE 4 - policy and procedures, if applicable, for assessing, granting and recording recognition of prior learning or course credit

It is the decision of the Head of School and the Head of Finance and Business Services, that the school does not grant course credit to overseas students.

SCHEDULE 5 – Younger Students Welfare and Protection Policy

The School accepts overseas students under the age of 18 years who are being cared for in Australia by their DHA approved parent or relative (as defined by the DHA on its website). As such, the School is to ensure the arrangements made to protect the personal safety and social well-being of those students are appropriate in compliance with section 3.8 of the NESAs Guidelines.

1. The Head of Enrolments will:
 - (a) Ensure that part of the School's policy and processes for critical incidents under National Code Standard 6 (Overseas student support services), include a process for managing emergency situations (the School will follow its *Critical Incident Policy*)
 - (b) maintain up-to-date records of the student's contact details as outlined in section 3.6.5 of the NESAs Guidelines, including the contact details of the student's DHA approved parent or relative
 - (c) ensure students under 18 years of age are given age and culturally appropriate information on:
 - (i) who to contact in emergency situations, including contact numbers of the Deputy Head of School or in their absence, another nominated staff member and/or service provider to the registered provider.
 - (ii) seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse. Students will be encouraged to report any such incidents or allegations to the Deputy Head of School by email, in person, or by using the "Staying Safe" reporting process on SchoolBox.
2. If the School is unable to contact a student and has concerns for the student's welfare, the Deputy Head of School must make all reasonable efforts to locate the student, including notifying the police and any other relevant Commonwealth, state or territory agencies as soon as practicable. The Deputy Head of School will follow other School policies as necessary, including but not limited to *Child Protection Policy* and the *Student Wellbeing Policy*.
3. If the School enrolls a student under 18 years of age who has welfare arrangements approved by another registered provider, the Head of Enrolments must:
 - (a) negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap
 - (b) inform the student by email of their visa obligation to maintain their current welfare arrangements until the transfer date or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.

SCHEDULE 6 – Student Support Services Policy – Overseas Students

In order to support overseas students to adjust to study and life in Australia, to achieve their learning goals and to achieve satisfactory progress towards meeting the learning outcomes of the course at the School, the following policies and procedures apply regarding pastoral care and student support services.

1. Designated Staff Members

- (a) The Head of Enrolments, the Deputy Head of School, the Director of Studies, the Director of Learning and Teaching, the relevant Head of House, the Learning Support English as an Additional Language/Dialect (EAL/D) teacher and the International Students Liaison Officer are the key staff members in charge of the pastoral care of overseas students whilst studying at the School.
- (b) During the orientation process these staff members are to be identified to the families, guardians and students and key information is provided relevant to their successful transition to studying in Australia and at the School.
- (c) The International Students Liaison Officer, the Learning Support EAL/D teacher and the Head of Enrolments work in close association with the Deputy Head of School, relevant Head of House, the Director of Studies and the Director of Learning and Teaching to provide ongoing academic and pastoral support to the student, parents and guardians. All teaching staff involved with overseas students are briefed by the Deputy Head of School as to their involvement and the requirements of an overseas student, including obligations concerning attendance and academic progress under the *ESOS Regulations 2019*.

2. Sufficiency of Student Support Personnel

- (a) Each overseas student studying at the School has four key members of staff responsible for their academic, pastoral and general welfare.
- (b) These staff members, the Deputy Head of School, the relevant Head of House, the Director of Studies and the Director of Learning and Teaching, are introduced to the student during the initial orientation programme and have regular contact – both formal and informal – throughout the student's period of study.

3. Student Support Services

- (a) The School must support overseas students in adjusting to study and life in Australia by giving each overseas student information on or access to an age and culturally appropriate orientation program that provides information about:
 - (i) support services available to assist students to help them adjust to study and life in Australia

- (ii) English language and study assistance programs
 - (iii) any relevant legal services
 - (iv) emergency and health services
 - (v) the registered provider's facilities and resources
 - (vi) complaints and appeals process as outlined in National Code Standard 10 (Complaints and Appeals)
 - (vii) requirements for course attendance and progress, as appropriate
 - (viii) the support services available to assist students with general or personal circumstances that are adversely affecting their education in Australia
- (b) At orientation, the Overseas Student is provided with supplementary information that lists:
- (i) personnel that the student can speak to for advice and assistance,
 - (ii) how to report an incident (student safety),
 - (iii) *The School Complaints and Grievances Resolution Policy and Procedures*
 - (iv) Contact information for Police, Ambulance, Fire and hospitals
 - (v) Expectations for attendance and satisfactory course progress
 - (vi) services students can access for information on their employment rights and conditions, and how to resolve workplace issues, such as through the Fair Work Ombudsman.
- (c) The information about support services and the support provided to the student by the School is provided at no cost to the student.

4. Overseas Student Orientation Programme and Procedures

- (a) Orientation programmes are an important part of the student support programme that the School offers to overseas students. The orientation process should prepare new overseas students to fully participate in the academic and co-curricular programmes offered by the School. It should also provide the students with the necessary information to be a part of the community in which they are living.
- (b) Each year there are orientation programmes organised for all new students to the School. They are based on the year level of entry and they have a focus on familiarising the new students with the School, its programmes, the students at their year level and school routines.
- (c) Overseas students need more intensive and individualised programmes to cover many of the aspects of studying not only in a new school but also a new education system and country, often without the support of parents.
- (d) There are several stages in the orientation of new overseas students. Where possible they are invited to be involved in whole school or year level orientation as well as the specific Overseas Student Orientation Programme. Orientation continues well after the initial few weeks at the School.

5. International Student Orientation Programme Outline

- (a) Interview with the Head of School
 - (i) overview of school ethos
 - (ii) overview of general student expectations

- (b) Interview with the Deputy Head of School
 - (i) the student is to be given a copy of the ESOS Framework and have it explained to them
 - (ii) curriculum overview including relevant assessment booklets and guidelines discussed
 - (iii) student subject selection discussed
 - (iv) Pastoral Care programme outlined
 - (v) student's needs identified and discussed
 - (vi) communication channels between School and DHA approved parent or relative outlined
 - (vii) significant dates advised
 - (viii) transport to and from School discussed
 - (ix) student requirements outlined and documentation provided (Programme Book)
 - (x) conduct, uniforms
 - (xi) Chapel
 - (xii) School timetable
 - (xiii) Co-curricular programme
 - (xiv) Assemblies
 - (xv) access to legal services
 - (xvi) emergency and health services
 - (xvii) facilities and resources
 - (xviii) the Internal Complaints and Appeals process
 - (xix) Deferment, Suspension or Cancellation of enrolment Procedures
 - (xx) any student visa condition relating to course progress and/or attendance as appropriate (see **Schedule 8**)

- (c) School tour with the Head of Enrolments

- (d) Day 1
 - (i) Timetable published
 - (ii) Locker allocated (Head of House)
 - (iii) Head of House and Mentor teacher - introduced to student
 - (iv) School's Student Support Officer introduced to student
 - (v) Student 'buddy' assigned to escort new International student throughout

the first day. The buddy remains as a support person until the new student has demonstrated familiarity with daily routines and has established alternative support people (peers). This is evaluated by the Head of House.

(e) After 1 week

- (i) Deputy Head of School contacts the student after one (1) full week of attendance to follow up on transition and resolve any concerns. The Head of House and Mentor teacher will continue to provide support and monitor the student.

(f) After 5 weeks

- (i) Head of House gathers feedback from the student's teachers after five (5) weeks to discuss any concerns related to the transition. Where concerns are identified, the Deputy Head of School is informed and where appropriate the Head of School is informed. The Deputy Head of School and the Head of School may contact the parent/legal guardian if required.

(g) End of first Term

- (i) By the end of the first term of study, the Deputy Head of School organises an interview with the student to discuss the transition and any concerns the student may have regarding their academic, pastoral or general welfare.
- (ii) Deputy Head of School informs the Head of School of progress.

SCHEDULE 7 – Transfer Between Registered Providers Policy

1. Overseas students are restricted from enrolling or transferring between registered providers prior to the student completing six (6) months of his/her principal course of study. The restriction applies to any course/s packaged with the principal course of study except
 - (a) if the student's course or school becomes unregistered;
 - (b) the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing his or her course at that registered provider;
 - (c) a government sponsor (where applicable) considers a transfer to be in the best interests of the student and had provided written support for the transfer;
 - (d) if the student is granted a letter of release from the registered provider
2. Requests for transfers into NGS will be checked by the Head of Enrolments to make sure that the mandatory six (6) months at the current provider have been completed. Records of these calls will be kept by the Head of Enrolments on the student's file on TASS.web.
3. The Head of School will only provide a letter of release to a student before completing the first six months of his/her principal course in the following circumstances:
 - (a) The student has changed his/her welfare and accommodation arrangements and is no longer within a reasonable travelling time to and from the School;
 - (b) When there is written confirmation from the student's DHA approved parent or relative indicating it has been agreed that the student would be better placed in a course not provided at the School;
 - (c) the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with the School's intervention strategy to assist the overseas student in accordance with National Code Standard 8 (Overseas student visa requirements)
 - (d) there is evidence of compassionate or compelling circumstances
 - (e) the School fails to deliver the course as outlined in the written agreement
 - (f) there is evidence that the overseas student's reasonable expectations about their current course are not being met
 - (g) there is evidence that the overseas student was misled by the School regarding its course and the course is therefore unsuitable to their needs and/or study objectives
 - (h) an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student

- (i) the circumstances which the registered provider considers as reasonable grounds to refuse the transfer
 - (j) a reasonable timeframe for assessing and replying to the overseas student's transfer request having regard to the restriction period.
 - (k) Any of the reasons stated in the School's policies.
4. The student must request a letter of release from the Head of School, (and issued at no cost to the student), that advises the student of the need to contact the DHA to seek advice on whether a new student visa is required, to enable them to transfer to another registered provider.
 5. The Head of School, as the principal registered provider, is responsible for assessing a student's request to transfer before completing the first six months of his/her principal course. It is expected that the student's request will be granted where the transfer will not be to the detriment of the student.
 6. Students under 18 years of age must also provide to the Head of School:
 - (a) written evidence that the student's DHA approved parent or relative supports the transfer;
 - (b) evidence that the student has DHA approved welfare and accommodation arrangements in place
 - (c) all students regardless of age must provide a CoE from the new proposed registered provider.
 7. The Head of School will not provide a letter of release to a student before completing the first six months of his/her principal course in the following circumstances:
 - (a) the student's academic progress is likely to be disadvantaged;
 - (b) the School has reasonable concern that the student's application to another registered provider is a result of adverse influence of another party, including another student;
 - (c) the student has not given sufficient time to settling into his/her new environment in order to make an informed decision to transfer to another registered provider;
 - (d) the School has provided School support service which may assist in the settling in process and the student has declined to take advantage of these support services, including academic and counselling.
 8. Applying for a letter of release:
 - (e) in order to apply for a letter of release from the School the student must first have an enrolment offer (CoE) from another registered provider;
 - (f) If an overseas student at NGS wished to transfer to another registered provider, they should arrange to meet with the Head of Enrolments. They will be notified of the decision by email.
 - (g) applications to transfer to another registered provider may have visa

implications. The student must be advised to contact the Department of Home Affairs (DHA) as soon as possible to discuss any implications.

(h) contact details for the nearest office:

Ground Floor, 26 Lee Street, Sydney NSW 2000. Telephone 131 881 and student.centre@immi.gov.au

9. The letter of release, whether from the School or another registered provider, must show the reason for transfer and provide evidence demonstrating the student's commitment to studies, attendance record and all fees for the course have been paid;
 - (a) the application to transfer and letter of release will be considered and the decision provided to the student within a reasonable timeframe (as per National Code Standard 7)
 - (b) should the request to transfer be denied, the student will be advised in writing by the Head of School, stating the reasons for refusing the request, and informing the student of his or her right to appeal the decision in accordance with section 3.14 of the NESA Guidelines (Complaints and Appeals) and National Code Standard 10;
 - (c) the student may appeal the decision under the School's Complaints and Appeals Policy within 20 working days.
10. The School will not finalise the overseas student's refusal status in PRISMS until the appeal finds in favour of the School, or the overseas student has chosen not to access the complaints and appeals processes within the 20-working day period, or the overseas student withdraws from the process.
11. The School will maintain records of all requests from students for a letter of release and the assessment of, and decision regarding, the request on the student's file on TASS.web for two years after the overseas student ceases to be an accepted student.
12. For each student enrolled during the current period of approval, records, as relevant, in the student files on TASS.web of:
 - (a) completed 'request for release' statements
 - (b) the Head of School's decision in response to such requests and the reasons for the decision
 - (c) student's requests for an appeal of the decision
 - (d) evidence that any appeal process as required by section 3.14 of the NESA Guidelines (Complaints and Appeals)
 - (e) copies of any agreed letter of release to show that the student has the previous registered providers permission to transfer within the first six (6) months of their first course of study
 - (f) an enrolment offer from a new registered provider kept on the student's file
 - (g) if the student is under 18 years of age written confirmation that the student's parents and/or legal guardians support the transfer

- (h) if the student is under 18 years and is not being cared for in Australia by a parent or suitable nominated relative, a valid enrollment offer confirming that the receiving provider will accept responsibility for approving the students accommodation, support an general welfare arrangements as specified in section 3.11 of the NESA Guidelines (Younger Overseas Students) (National Code Standard 5)
- (i) recorded evidence of the agreed letter of release being recorded in PRISMS

SCHEDULE 8 – Overseas student visa requirements policy

1. Course commencement

- (a) The Confirmation of Enrolment Form (CoE) indicates the start and end date of the student's course duration (study period). The Head of Enrolment will keep a record of the student's Confirmation of Enrolment (CoE) identifying the date of commencing and the intended date for completing the course for which the student is enrolled.
- (b) A course is considered to be:
 - (i) Junior Secondary (7-10)
 - (ii) Senior Secondary (11-12)

2. Completion within Expected Duration of Study

- (a) The Head of School and the Director of Learning and Teaching will monitor, record and assess each overseas student's course progress with specific reference to ensuring that at all times each student is in a position to complete the course within the expected duration as specified on the student's CoE.
- (b) The School has and implements documented policies and procedures for monitoring the progress of each student to ensure that at all times the student is in a position to complete the course within the expected duration as specified on the student's CoE. In monitoring this enrolment load, the Head of School and the Director of Learning and Teaching must ensure that in each compulsory study period for a course, the student is studying at least one unit that is not by distance or online learning. This will be done by the Director of Learning and Teaching issuing each student with a timetable providing adequate time for the course to be completed.
- (c) The Head of School will only extend the duration of the student's study where it is clear that the student will not complete the course within the expected duration, as specified on the student's CoE, as the result of:
 - (i) compassionate or compelling circumstances, for example:
 - illness, where a medical certificate states and/or other evidence provided by the student to justify that the student was unable to attend classes; or
 - where the School was unable to offer a prerequisite unit; or
 - due to Government imposed travel restrictions due to COVID-19 pandemic
 - (ii) the School shows evidence of implementing its intervention strategies such as counselling provided to assist the student if the student is deemed at risk of not completing the course within the specified time or meeting satisfactory course progress, or
 - (iii) an approved deferment or suspension of study has been granted.

- (d) Where there is a variation in the student's enrolment load which may affect the student's expected duration of study, the Head of School and the Director of Learning and Teaching will record this variation and the reasons for it on the student's file on TASS.web. The Head of School and/or the Director of Learning and Teaching will correctly report the student via PRISMS and/or issue a new CoE when the student can only account for the variation by extending his or her expected duration of study.
- (e) The School may allow the student to undertake no more than 25 percent of the student's total course by distance and/or online learning. However, it will not enrol a student exclusively in distance or online learning units in any compulsory study period. Hence, the Head of School and Director of Learning and Teaching will ensure that courses undertaken by distance and/or online learning will not exceed 25 percent of the student's total pattern of study in any one year.
- (f) Except where permitted under the relevant legislation, the expected duration of study specified in the student's CoE must not exceed the CRICOS registered course duration. The Head of School and/or the Director of Learning and Teaching will report variations in a student's enrolment load via PRISMS.

3. Course Progress

- (a) The Director of Learning and Teaching will monitor, record and assess the course progress of each student for each unit of the course for which the student is enrolled in accordance with the School's documented course progress policies and procedures. Up-to-date academic records and assessments of the student at the end of each study period will be recorded and maintained by the Director of Learning and Teaching. A written School Report on the student, outlining results of course assessments, course progress and including staff comments will be issued to the DHA approved parent or relative at the end of each course of study.
- (b) The Director of Learning and Teaching will ensure each course has and implements documented course progress policies and procedures relating to that course, which will be provided to staff and students, that specify the:
 - (i) requirements for achieving satisfactory course progress
 - (ii) processes for recording and assessing satisfactory course progress
 - (iii) procedure for intervention for students at risk of failing to achieve satisfactory course progress
 - (iv) process for determining the point at which the student has failed to meet satisfactory course progress, and
 - (v) procedure for notifying students that they have failed to meet

satisfactory course progress requirements.

- (c) The School will assess the course progress of the student in accordance with the School's course progress policies and procedures throughout the study period and at the end point of every study period.
- (d) The School will maintain a documented intervention strategy, which will be made available to staff and students, that specifies the procedures for identifying and assisting students at risk of not meeting the course progress requirements. The strategy must specify:
 - (i) procedures for contacting and counselling identified students
 - (ii) strategies to assist identified students to achieve satisfactory course progress, and
 - (iii) the process that activates the intervention strategy.
- (e) The Director of Studies in conjunction with the Director of Learning and Teaching will monitor students at risk and guide them into the Student Support Services programme.
- (f) The School will implement the intervention strategy for any student who is at risk of not meeting satisfactory course progress requirements. At a minimum, the intervention strategy will be activated where the student has achieved a D or an E Grade in any unit of study, for any Semester 1 or Semester 2 reporting cycle.
- (g) To demonstrate satisfactory course progress, students will need to achieve a Grade A, B or C in each unit of study, during each Semester.
- (h) If a student does not achieve a Grade A, B, or C in each unit of study in any semester of enrolment, the student's Mentor, Head of House and Deputy Head of School (as required) in conjunction with the Director of Learning and Teaching will meet with the student to develop an intervention strategy for academic improvement. This may include:
 - (i) Additional help from the classroom teacher outside of class time (e.g. lunch) and/or the provision of further resources (e.g. websites, texts) that the student could consult to support their learning
 - (ii) Learning support assistance through the after-School Homework Centre in the School Library
 - (iii) Assistance with time management, planning, organisation and/or study skills
 - (iv) Voluntary sessions with the School Psychologist
 - (v) Learning support sought through the Director of Learning and Teaching and the Learning Support staff
 - (vi) Other intervention strategies as deemed necessary by the Deputy Head of School.
- (i) A copy of the student's individual strategy and progress reports in achieving

- improvement will be forwarded to the DHA approved parent or relative.
- (j) The student's individual strategy for academic improvement will be monitored over the following semester by the Director of Learning and Teaching and the Head of House, and a record of the student's response to the strategy will be maintained.
 - (k) Where the School has assessed the student as not achieving satisfactory course progress after following an intervention programme as outlined in 3.11.5, the Director of Learning and Teaching must notify the student in writing of the intention to report the student for not achieving satisfactory course progress to the DESE through PRISMS and the reasons for this decision. The written notice must inform the student that he or she is able to access the Schools Complaints and Appeals process and that the student has 20 working days in which to do so.
 - (l) Where the student has chosen not to access the Complaints and appeals processes within the 20-working day period, withdraws from the process, or the process is completed and results in a decision supporting the School's assessment, the Head of School and/or the Director of Studies must notify the TPS Director and the DESE through PRISMS within five business days that the student is not achieving satisfactory course progress.
 - (m) A copy of all documents relating to course progress, academic records, assessment outcomes, any intervention or support strategy implemented, including medical certificates and/or records of counselling, written notice informing the student that the School intends to report the student to the DESE through PRISMS for not making satisfactory course progress, any complaint and appeal made by the student and written evidence of the student being notified of the outcome of the process, and the reporting of unsatisfactory course progress to the DESE through PRISMS will be stored on the student's file in TASS.web.

4. Monitoring Attendance

- (a) The School records the attendance of each overseas student for the scheduled course contact hours for each CRICOS registered course that the student is enrolled in, as per the School's *Attendance Policy and Procedures*
- (b) An electronic Roll Marking system (TASS.web) is used at the beginning of each School day to mark the Roll and record School Attendance. Individual class teachers keep a Roll of their classes each lesson.
- (c) All absences from School are to be accompanied by a medical certificate, an explanatory communication from the student's DHA approved parent or relative, or evidence that leave has been approved by the Head of School.
- (d) Records of any evidence relating to compassionate or compelling circumstances for absenteeism will be kept in the student's file in TASS.web.

- (e) Any absences from School for a period longer than five consecutive days without approval will be investigated by the Deputy Head of School in conjunction with the relevant Head of House, as per the School's *Attendance Policy and Procedures* and *Student Wellbeing Policy*.
- (f) Students at risk of breaching the School's attendance requirements will be counselled by the Deputy Head of School and/or relevant Head of House and offered any necessary support when they have unexplained absences or unauthorised leave totalling 48 hours (2 days) during an assessment period.
- (g) Written records of any intervention action, including counselling and support strategies, will be kept on the student's file in TASS.web.
- (h) The School will regularly assess the attendance of the student in accordance with the School's *Attendance Policy and Procedures*.
- (i) Where the School has assessed the student as not achieving satisfactory attendance, the School will notify the student in writing of its intention to report the student for not achieving satisfactory attendance. The written notice will inform the student that he or she is able to access the School's Complaints and Appeals process and that the student has 20 working days in which to do so.
- (j) If the calculation used by the School's Roll Marking System (TASS.web) shows that the student has passed the attendance threshold for the study period without any satisfactory explanation or documentary evidence, the Deputy Head of School will advise the student in writing of the School's intention to report the student to the DESE in PRISMS for not achieving satisfactory attendance, and that the student has 20 working days in which to access the School's internal Complaints and Appeals process.
- (k) Where the student has chosen not to access the School's Complaints and Appeals process within the 20-working day period, withdraws from the process, or the process is completed and results in a decision supporting the School, the Head of School must report unsatisfactory course progress or unsatisfactory course attendance to the DESE in PRISMS within five business days that the student is not achieving satisfactory attendance.
- (l) For the vocational and technical education and non-award courses, the School may only decide not to report the student for breaching the 80 percent attendance where:
 - (i) that decision is consistent with its documented attendance policies and procedures
 - (ii) the student records clearly indicate that the student is maintaining satisfactory course progress
 - (iii) the School confirms that the student is attending at least 70

percent of the scheduled course contact hours for the course in which he or she is enrolled.

- (m) Where permitted by the NESAs Guidelines, the School may decide not to report a student for breaching the 80 percent attendance requirement where:
 - (i) the student produces documentary evidence clearly demonstrating that compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes) apply, and
 - (ii) that decision is consistent with its documented attendance policies and procedures, and
 - (iii) the School confirms that the student is attending at least 70 percent of the scheduled course contact hours for the course he or she is enrolled in.
- (n) If a student is assessed as having nearly reached the threshold of 80 percent attendance but no less than 70 percent attendance, the Deputy Head of School in consultation with the Director of Learning and Teaching will assess whether a suspension of studies is in the interests of the student as per the School's Deferring, Suspending or Cancelling Policy for International Students.
- (o) If the student does not obtain a suspension of studies under the School's Deferring, Suspending or Cancelling Policy for International Students, and falls below the 80 percent threshold for attendance, the process for reporting the student for unsatisfactory attendance will occur.
- (p) Any report made to the DESE through PRISMS about the student's failure to meet attendance requirement will be kept in the student's file in TASS.web.

5. Mode of delivery

The School's courses are not to be delivered only online or by distance. All courses are delivered face to face but may include online components to assist with the delivery of the course.

SCHEDULE 9 – Complaints and Appeals Policy

1. Purpose

- (a) The purpose of this policy is to provide the opportunity to access procedures to facilitate the resolution of a dispute or complaint and to outline the principles applied to the handling and resolving of all disputes and complaints made to the School involving staff, students and parents. The Internal Complaints and Appeals processes are conciliatory, not legally binding and less formal than legal proceedings.
- (b) The School has an obligation to maintain the enrolment of an overseas student whilst a complaint and/or appeal is considered.
- (c) Employees of the School are responsible for managing the resolution of enquiries, concerns, complaints and appeals lodged by students, parents and members of the School community. Staff will make every effort to resolve all enquiries, concerns, complaints and appeals promptly and in accordance with procedural fairness and natural justices.
- (d) The Head of School is responsible for establishing and maintaining processes for the management and review of enquiries, concerns, complaints and appeals.
- (e) A Complaints and Appeals Register is kept by the PA to the Head of School. Complaints and Appeals are reviewed regularly by the School's Executive staff.

2. Principles – The following principles apply:

- (a) the well-being of a student or group of students is a priority
- (b) the process is accessible to all parties and there is a commitment to cooperation by School Staff
- (c) procedural fairness is afforded to all parties
- (d) the respondent to the complaint is informed of its substance
- (e) confidentiality is maintained as appropriate and/or required
- (f) complaints and appeals are monitored, and their management evaluated to pre-empt systemic and/or recurring issues
- (g) all persons in the School community are entitled to respect and courtesy
- (h) complainants and appellants are entitled to be dealt with fairly and promptly
- (i) procedures for lodging a formal complaint and/or an appeal are communicated to the School community
- (j) each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself
- (k) each party may be accompanied and assisted by a support person at any relevant meetings

- (l) the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome
- (m) the process will be resolved within 10 working days of the formal lodgement of the complaint or appeal
- (n) supporting information and all reasonable measures are taken to finalise the process as soon as possible
- (o) the Head of School will appoint an independent investigator as required when dealing with a complaint or an appeal.

3. Procedures

- (a) Students and parents or members of the School community may lodge a complaint or an appeal, either informally or formally including a written submission with the Head of School. This may be about the provision of education and/or conduct of a School employee. **If the complaint involves the Head of School, the complaint may** be lodged with the Chairperson of the School Board. See the *3.6.2.4 Complaints and Grievance Resolution Policy and Procedures - School Community* on the NGS website <https://www.ngs.nsw.edu.au/about/policies>
- (b) The School is to respond to any complaint or appeal an overseas student makes regarding his or her dealings with the School, its education agents or any related party the School has an arrangement with to deliver the overseas student's course or related services.
- (c) Assessment of a complaint or appeal must be finalised within 10 working days. Appropriate confidentiality will be maintained between parties involved and support persons (including Unions or other professional associations).
- (d) The Head of School must:
 - (i) maintain confidentiality (as appropriate and required) and impartiality
 - (ii) ensure complaints and appeals are resolved
 - (iii) ensure that procedures for resolving complaints and appeals are communicated to staff and parents – see the *3.6.2.4 Complaints and Grievance Resolution Policy and Procedures - School Community* on the NGS website <https://www.ngs.nsw.edu.au/about/policies>
 - (iv) ensure complainants and appellants are aware that they can have a support person present during discussion
 - (v) ensure complainants and appellants are aware that they can formally present his or her case at minimal or no cost to him or herself
 - (vi) keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.

- (e) An Investigator will be appointed by the Head of School and is to follow direction from the Head of School and the principles of procedural fairness. The Investigator will inform the Head of School of the findings of the investigation. The Head of School considers the investigator's findings and decides whether to adopt those findings or make their own findings. The Head of School will inform the complainant and the appellant of the findings. In the case of overseas students and their parents and/or guardians an independent interpreter will be provided for the duration of the procedures (if required). The interpreter will be sourced from The Australian Institute of Interpreters and Translators (AUSIT) <https://ausit.org/> so there are no conflicts of interest.

4. Complaints against other Students

Grievances brought by a student against another student will be dealt with under the School's *Behaviour Management Policy*.

5. Informal Complaints and Appeals Resolution

- (a) in the first instance, the School requires that there is an attempt to informally resolve the issue through mediation or informal resolution of the complaint and appeal
- (b) the student or parent and/or guardian on behalf of the student should contact the Head of House, for students from Years 7-12, in the first instance to attempt mediation and an informal resolution of the complaint and appeal
- (c) if the matter cannot be resolved to the satisfaction of all parties involved through mediation and an informal resolution, it will then be referred to the Deputy Head of School or the Director of Studies and the School's Internal Formal Complaints and Appeals handling procedure will be followed.

6. Formal Complaints and Appeals Handling Procedure

- (a) the process of this grievance procedure is confidential, and any complaints or appeals are a matter between the parties concerned and those persons directly involved in the complaints and appeals handling process
- (b) the student or parent must notify the School in writing of the nature and details of the complaint or appeal
- (c) written complaints or appeals are lodged with the Head of School via the processes in the *3.6.2.4 Complaints and Grievance Resolution Policy and Procedures - School Community* on the NGS website <https://www.ngs.nsw.edu.au/about/policies>
- (d) where the Internal Complaints and Appeals process is being accessed because the student has received notice from the School that the School intends to report the student for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student has 20 days from the date of notification in which to lodge a written appeal
- (e) internal Complaints and Appeals processes are usually available to students

and/or parents at no cost. Should a cost be incurred then the student will be advised of the minimal amount involved

- (f) each complainant and appellant have the opportunity present his/her case to the Head of School
- (g) students, parents and/or guardians may be accompanied and assisted by a support person at all relevant meetings
- (h) assessment of the complaint or appeal must be resolved within 10 working days of the lodgement of the complaint or appeal to the Head of School
- (i) once the Head of School has made a decision regarding the complaint or appeal, the student will be informed in writing of the outcome and the reason(s) for the outcome
- (j) if the grievance procedure finds in favour of the student, the School will immediately implement the decision and any corrective and preventative action required
- (k) the School will finalise all complaints and appeals as soon as practicable
- (l) the student is required to maintain normal enrolment and attendance at all classes during the complaint and appeals process unless the School determines otherwise.

7. External Appeals Process

- (a) if the complaints and appeals procedure does not find in favour of the student or the student is dissatisfied with the result of the complaints and appeals procedure, the student will be informed in writing by the Head of School and/or the Head of Finance and Business Services of the External Complaints and Appeals process available at minimal or no cost
- (b) the external body used for the School's External Complaints and Appeals processes the Commonwealth Ombudsman for overseas students. More information is available at <https://www.ombudsman.gov.au/complaints/international-student-complaints>

11. DEFINITIONS

- **CAAW** – Confirmation of Appropriate Accommodation and Welfare
- **CoE** – Confirmation of Enrolment
- **CRICOS** overseas student – is a person (within or outside) Australia who holds a student visa (subclass 500) as defined by the ESOS Act. These students are referred to as overseas students and International students in this policy and procedures.
- **DHA** Approved Parent or Relative – a parent approved by the Department of Home Affairs (DHA) or a relative over 21 years of age nominated by the parent and approved by the DHA
- **Working day** – any day other than Saturday, Sunday or public holiday.
- **Support person** – a friend /teacher/ relative not involved in the grievance. It should be noted that the support person is there for support and not to be an advocate on behalf of the student. Therefore, a student's lawyer is not regarded as an acceptable support person at internal stages of the complaints and appeals handling process.

12. Related Policies and Procedures

- *Attendance Policy and Procedures*
- *Behaviour Management Policy*
- *Child Protection Policy*
- *Complaints and Grievance Resolution Policy and Procedure – School Community*
- *Conditions of Enrolment*
- *Critical Incident Policy*
- *Enrolment Policy*
- *Overseas Students Induction Materials*
- *Student Wellbeing Policy*
- *Supplementary Enrolment Form*
- *Year 7-10 Examination Rules*
- *Year 11 and 12 Examination Rules & Regulations*

13. Policy History

Revision	Date	Revision Description	Name & Department
1.0	31/10/2023	Revision to ensure clarity of procedures	Rowena McGowan, Head of Enrolments and Deidre Lau, Strategy and Performance