

CLARIFICATION to email of 18 June 2020 sent 4.58.21 from the Productivity Commission.

REQUEST

Dear Robert

Thank you for your submission to the Productivity Commission's review of the Skills and Workforce Development Agreement, on behalf of The Education Professionals Pty. Ltd. The 'Life. Be in it.' Health Promotions Institute Pty. Ltd.

I would like to clarify my understanding of one of the statements in your submission at p. 15:

TEP, with the support of Sushi Das and Nick McKenzie of Fairfax newspapers and ABC Television exposed the workings of 'shonky colleges' approximately 6 years ago.

This statement suggests that TEP undertook an investigation *in collaboration* with Fairfax and ABC reporters in 2014 – is this correct? Or are you referring to *separate works* on the same subject (in 2014) by TEP, Sushi Das, Nick Mackenzie, and ABC Television? It would be useful if you could confirm the meaning of this statement before we publish your submission. Thanks again

Kind regards
Hudan

ROBERT PALMER'S REPLY

The context for the words written "TEP, with the support of Sushi Das and Nick McKenzie of Fairfax newspapers and ABC Television exposed the workings of 'shonky colleges' approximately 6 years ago." should not suggest in any way that TEP undertook an investigation *in collaboration* with members of any media person or media organisation - because this could imply that TEP influenced the independent and separate investigations of the press.

This fact is most important, and I will outline this in point form.

1. All Registered Training Organisations, including TAFE and Universities, must submit full details of their Grievance Procedures on their applications for registration. Registration MUST NOT be provided without this being approved at the initial audit, and at subsequent audits. PLEASE READ PAGES 3 – 7 OF THIS DOCUMENT.
2. The Grievance Procedures must be in accordance with that stated in the ESOS ACT and must follow pre-determined stages.
3. The majority of students who discussed their issues with TEP were unaware of the ESOS Act – indicating a serious breach of the ESOS Act by their particular Registered Training Organisations.
4. TEP would then informally contact the Registered Training Organisation to discuss the issue – in accordance with ESOS Act procedures. Usually the issue could be resolved to the satisfaction of both parties at this time.
5. If the issue was unresolved, the next stages of the ESOS Act Grievance Procedures were required to be followed.
6. If, after 3 subsequent meetings, no satisfactory arrangement could be agreed to, TEP notified the relevant authority for further investigation.. ALL SERVICES WERE PROVIDED AT NO FINANCIAL COST TO THE STUDENT.
7. If, in approximately 10% of occasions, it seemed that no positive action was being taken by those authorities, TEP would approach media representatives. Information was shared with the permission of the students, and members of the media were then able to decide their own priorities and proceed to undertake their own independent investigations.
8. TEP did not, and has not, at any time entered into any collaborative arrangement with any members of the media. TEP provided possible items of public interest that could be further investigated, ratified and reported on independently by media organisations.

TEP MEDIA ENGAGEMENT

As the extent of the urgent needs and frustrations of international students have surfaced TEP was thrust into the spotlight as the media has chosen to investigate these issues.

The Media have sought assistance, information and interviews from Mr. Robert Palmer, of TEP, who has been described as an expert in identifying, investigating, mediating and resolving international students' problems. This interest has resulted in numerous articles in the international and local media including:

International

- Reuters (worldwide)
- Education World : India's largest monthly education magazine
- Chinese newspapers
- Internet, at least 120 internet sites reporting education/international student welfare issues

Australia

- The Australian
- The Age
- SBS Television
- ABC Television
- ABC : AM, PM, The World Today, and Talk-back radios.
- Commercial Radio Stations

TEP has been invited to contribute confidential information about suspicious activity to various Federal and State Department including DIAC, DEEWR, Australian Tax Office, Australian Crime Commission and Victoria Police.

UNETHICAL CONDUCT

You must not lose faith in humanity. Humanity is an ocean; if a few drops of the ocean are dirty, the ocean does not become dirty. – Mahatma Gandhi

TEP supports best practice within the education and training industry.

Unfortunately there is a small number of individuals and organisations that prey on, manipulate or ignore the needs of Australia's International students and their families.

These individuals and their schemes are certainly not representative of the large number of ethical people and excellent organisations in the education and training industry.

There is an extensive, undesirable and hidden industry in some countries whereby students and their families are loaned large amounts of money 'for educational purposes' at excessive rates of interest. One reason for these loans is to meet the demands of the Australian Government's 573 Student Visa that addresses University studies – the Australian Government's 572 Student Visa for Certificate, Diploma and Advanced Diploma Studies is often ignored by the money lenders because lesser amounts of finance are required.

Often international students arrive in Australia not knowing the full implications of the documents they have signed.

A DETAILED DESCRIPTION OF THE ESOS ACT GRIEVANCE PROCEDURES

All Registered Training Organisation Grievance Procedures must meet the Australian Skills Quality Authority (ASQA) requirements, and also record the continuous improvement, or refinement, of same.

The Education Services for Overseas Students Act (ESOS) and related legislation is designed to protect the interests of students coming to Australia on student visas. The grievance procedure and its processes is perhaps more relevant to the welfare of international students than it is to Australian students and staff – but grievance procedure and processes must be in place to support all students and all staff.

The ESOS Act guidelines and ASQA regulations are set out below, along with some acceptable examples of how to meet each requirement.

GUIDELINE REQUIREMENTS	HOW TO DEMONSTRATE THIS	EXAMPLES OF FORMS OF EVIDENCE
1. All higher education providers must have:		
(a) a grievance procedure for dealing with complaints by the provider's students, and persons seeking to enrol in courses of study with the provider, relating to non-academic matters;	You must have a grievance procedure specifically dealing with non-academic matters. This may be combined with your grievance procedure for academic matters in a single grievance procedure. Your non-academic grievance procedure must state that it applies to complaints by your students, and by people seeking to enrol in courses of study with you.	“All students of the xxxx or those seeking to enrol in a course of study with the xxxx are entitled to access the grievance procedures set out in this policy...” “Non-Academic Grievances Procedures are for grievances which do not relate to student progress, assessment, curriculum and awards in a course of study and includes complaints in relation to personal welfare or support, and about the administration of xxxx.”
(b) a grievance procedure for dealing with complaints by the provider's students relating to academic matters.	You must have a grievance procedure specifically dealing with academic matters. This may be combined with your grievance procedure for non-academic matters in a single grievance procedure. Your academic grievance procedure must state that it applies to complaints by your students.	“All students of xxxx can use these procedures to submit a grievance about an academic matter...” “Academic Grievances Procedures are for grievances which relate to student progress, assessment, curriculum and awards in a course of study.”

2. The grievance procedures referred to in items 1a and 1b must comply with ASQA requirements. Both academic and non-academic grievance procedures must comply with ASQA.		
(a) The provider must comply with its grievance procedures.	By signing the registration form to become a higher education provider you have agreed to your compliance to set grievance procedures.	Copy of Registration document.

3. The grievance procedure, and any other complaint mechanisms available, must be freely available and made known to prospective students and staff prior to the formalisation of any contract.

<p>(a) The provider must publish, and make publicly available, up to date information setting out the procedures.</p>	<p>You must provide evidence in your grievance procedure of where you have, or intend to, publish or make publicly available your procedure.</p>	<p>“This policy is published on the xxxx web site (www.xxxx.edu.au) and/or is set out in the Student Handbook, policy manual...etc”</p>
<p>(b) The provider must publish information about any other complaint mechanisms available to complain about the provider’s decisions.</p>	<p>You must provide evidence in your grievance procedure of any other complaint mechanisms available to complain about decisions made by your organisation.</p> <p>HEP Guidelines require that you have a provision for external review of decisions by an independent person or body established or nominated by you. Information on who this person/body is and their contact details should be provided in your grievance procedure, along with advice about other complaint mechanisms available.</p>	<p>Documentation provided to xxxx by OSSNET.</p>

4. All higher education providers must have grievance procedures in place to deal with complaints:
- from the provider’s students, and from persons seeking to enrol in courses of study with the provider, relating to non-academic matters
 - from the provider’s students and staff, relating to academic matters.

These grievance procedures must contain the following elements:

<p>(a) an arrangement for handling complaints which is easily accessible to students; is without charge, or at reasonable cost to students; and encourages timely resolution</p>	<p>Your grievance procedure must outline this element of the process, include information on the cost to students (if any), include timeframes for resolution, and address ASQA requirements</p>	<p>“Students and Staff have three stages at which a complaint may be addressed. Each stage is free of charge. At the first stage of the process, students may take the complaint to either: (a) xxxx name of person; or (b) xxxx name of position. The complaint must be dealt in a reasonable time, usually within 14 days” “In the first instance, complaints should be discussed with the person/s involved. However, if this is impracticable, complainants should communicate with xxxx. This arrangement is free of charge. Every effort will be made to make a decision within 14 days...”</p>
<p>(b) an arrangement for the internal investigation of complaints which remain unresolved by the process outlined in 4(a) by an independent and impartial senior officer of the provider nominated by the provider, or dedicated complaints committee or unit established by the provider</p>	<p>Your grievance procedure must outline this element of the process; including information on who the independent and impartial senior officer or dedicated complaints committee/unit is, and the actions they will undertake throughout this stage of the grievance process (also addressing the requirements set out below).</p>	<p>“The second stage of the process at which a complaint is addressed is as follows: If unsatisfied with the response to the complaint or the time taken to resolve the matter, the complainant may submit the complaint in writing to (xxxx name of position xxxx) and/or explicitly seek the involvement of (xxxx name xxxx). The (xxxx name of position xxxx / xxxx name of committee xxxx) will consider the complaint within a reasonable time, normally within 14 days of receipt of the complaint...”</p>
<p>(c) a provision for external review of its decisions by an independent person or body established or nominated by the higher education provider</p>	<p>Your grievance procedure must outline this element of the process; including information on who the independent person or body is, and the actions they will undertake throughout this stage of the grievance process (also addressing the requirements set out below).</p>	<p>“The third stage of the process at which a complaint is addressed is as follows: If not satisfied with the decision of the (xxxx name of person or xxxx name of committee, the complainant may request that the matter be dealt with through an external dispute resolution process by the person/body appointed by the provider for that purpose. This person/body is Name xxxx; Title xxxx; xxxx Contact details. Complaints will be addressed within 14 days...”</p>

5. The higher education provider must:		
(a) have a mechanism in place to implement the grievance procedures, including implementation of recommendations arising from any external review.	You can demonstrate this by ensuring that your grievance procedure satisfactorily details the processes required above and by stating that any recommendations arising out of the external review stage will be implemented	“If (name of external review body/person) makes recommendations in relation to a grievance they have reviewed, he/she will forward those recommendations to (name of person/position held) within (nominate period of time) to ensure that the recommendations are implemented as soon as possible “
(b) ensure that the grievance procedures are complete, unambiguous and ratified by the provider’s governing body;	Your grievance procedure should state the details of how the procedure has been ratified, and the date on which this occurred.	“This policy was approved by the xxxx on 13 August 2012...”
(c) not victimise or discriminate against any complainant or respondent;	Your grievance procedure should state that every attempt will be made to ensure that complainants and respondents are not victimised or discriminated against.	“The complainant and respondent will not be victimised or discriminated against in any of the stages set out in this policy...”
(d) make details of the procedures publicly available;	You must provide evidence in your grievance procedure of where you have, or intend to, record or make publicly available your procedure	“This policy is communicated to academic staff through the xxxx Handbook and to support staff through the xxxx Handbook. The (xxxx name of position) is responsible for the training of all staff, including support staff, in the application of the policy.
(e) communicate the procedures in writing to its staff and train its staff in their application;	Your grievance procedure should state how the procedures will be communicated to staff, and what kind of training will be provided to them.	
(f) specify reasonable timelines for responses to each stage of the process;	Your grievance procedure should state for each stage of the process, and the usual timelines for responses at each stage.	“it is expected that each of the four stages in the xxxx grievance process would take approximately two weeks.
(g) allow the complainant and/or respondent to be accompanied and assisted by a third party if desired;	Your grievance procedure should state that complainants and respondents are allowed to be accompanied and assisted by a third party if so desired. It is not anticipated that the third party be a legal representative.	“The complainant and/or respondent have the right to be represented by a third person (such as a family member, friend, counsellor or other professional support person) if they so desire...”

<p>(h) give reasons and full explanation in writing for decisions and actions taken as part of the procedures, if requested by the complainant and/or respondent;</p>	<p>Your grievance procedure should state for each stage of the process that reasons and full explanation for decisions and actions taken as part of the procedures will be provided in writing to both the complainant and the respondent.</p>	<p>“At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures must be given to the complainant and/or respondent...”</p>
<p>(i) keep appropriate records of grievances for at least seven years, and allow parties to the complaint appropriate access to these records;</p>	<p>Your grievance procedure should state how records of grievances will be kept (i.e. the manner in which they will be kept), the period of time these records will be kept, and the access to these records that parties to the complaint will be provided.</p>	<p>“Records of all grievances and applications for review of decisions must be kept and be accessible to all interested parties for a period of seven years. Such records will remain confidential ...”</p> <p>“Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in the office of (xxxx name or position) for a period of seven years. Parties to the complaint will be allowed supervised access to these records...”</p>
<p>(j) ensure that such records are treated as confidential.</p>	<p>Your grievance procedure should state that these records will be treated as confidential.</p>	

<p>NOTE 1.</p> <p>Students or persons seeking to enrol in course of study with a provider are entitled to access the grievance procedure as set out by that provider, regardless of the location of the campus at which the grievance has arisen, the student’s place of residence or the mode in which they study.</p>	<p>Your grievance procedure should state that students or persons seeking to enrol in course of study with a provider are entitled to access the grievance procedure as set out by that provider, regardless of the location of the campus at which the grievance has arisen, the student’s place of residence or the mode in which they study.</p>	<p>“Students of xxxx or those seeking to enrol in a course of study with xxxx are entitled to access the grievance procedures set out in this policy, regardless of the location of the campus of xxxx , at which the grievance has arisen, the student’s place of residence or the mode in which they study...”</p>
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<p>NOTE 2</p> <p>The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.</p>	<p>You are not required to refer to this requirement in your grievance procedure, although some providers have chosen to include a statement in their procedure for the benefit of their staff and/or students/potential students.</p>	<p>“The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law...”</p>
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