

Complaints and Appeals Policy and Procedures

Purpose

The purpose of this procedure is to define the system available to students for dealing with student complaints and appeals at no cost.

Responsibility

The CEO is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

Policy

- Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using this procedure.
- Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
- All students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
- All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution.
- At any stage in the internal complaint or appeal process, students are entitled to have their own nominee included to accompany and support them.
- All complaints and appeals will be managed fairly and equitably and as efficiently as possible.
- For internal complaints and appeals:
 - The student will have an opportunity to formally present their case, in writing or in person
 - The student may be accompanied and assisted by a support person at any relevant meetings.
 - The student's enrolment must be maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined.
 - The College will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the College.
- Students will be provided with details of external authorities they may approach.
- If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported to the RTO management meeting as part of the continuous improvement process.
- Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to: Contact a solicitor.

Definitions

N/A

1.0 Procedure

Informal Complaint Process

- 1.0 Any student with a question or complaint may raise the matter directly with the relevant staff member or the student to whom the complaint relates and attempt an informal resolution of the

question or complaint. The complaint can include training facilities, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.

- 1.1 For academic matters, i.e. matters concerning teaching, learning, or assessment issues in your course, please discuss the matter with the relevant trainer or teacher. If you believe that the matter cannot be resolved by discussion with the trainer or teacher, please talk with the Director of Studies (VET) or Academic Manager (ELICOS).
- 1.2 For administrative matters, i.e. matters concerning the management of the College including the administration of your enrolment, fee payment etc, please see the Student Services Officer. If you believe that the matter cannot be resolved by discussion with the Student Services Officer, you can talk with the Student Administration Manager.
- 1.3 For disputes with other students of the college, please talk with the relevant students and try to resolve the issue. If you believe that the matter cannot be resolved by discussion with the relevant students, please talk with the Director of Studies (VET) or Academic Manager (ELICOS).
- 1.4 For personal or welfare matters, i.e. matters concerning your security, safety and general wellbeing, please see the Student Services Officer. In cases concerning your immediate safety and security, please see any staff member.
- 1.5 If you have a serious complaint regarding inappropriate conduct or behaviour of any trainer or staff please arrange to see the Director of Studies (VET) or Academic Manager (ELICOS) immediately.
- 1.6 Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the College staff member involved determines that the issue question or complaint is relevant to the wider operation of the College.
- 1.7 Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

2.0 Formal Complaint Process

- 2.0 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so. To register a formal complaint, a student must complete the Student Complaint Form and contact the relevant staff to arrange a meeting. At this meeting, the complaint can be raised and a resolution attempted. You may also be asked to provide relevant supporting documentation. You may invite a support person to accompany and assist you to the meeting.
- 2.1 At the stage of the complaint meeting, the relevant staff member (Director of Studies-VET/Academic Manager-ELICOS) or Student Administration Manager) will go through the information provided on the Student Complaint Form and discuss further for clarification and investigation. Then details of the discussion and the action to take after the decision is reached will be recorded in writing and signed and dated by the complainant and the relevant staff (Director of Studies - VET/Academic Manager - ELICOS) or Student Administration Manager who conducted the interview on the Student Interview Form.
- 2.2 Where a complaint concerns another person, that person will be given the opportunity to provide a formal response to your complaint.
- 2.3 The College will then commence an investigation of your complaint no later than 10 working days of receipt of your completed Student Complaint Form and attempt to resolve the complaint with the student and any other parties who may be involved.
- 2.4 At the end of the resolution phase, the relevant staff member (Director of Studies-VET/Academic Manager - ELICOS) or Student Administration Manager) will report the College decision to the student. The College decision and reasons for the decision will be documented by the relevant staff member (Director of Studies/Academic Manager or Student Administration Manager) and placed in the students file.
- 2.5 Following the resolution phase, the College must implement the decision as conveyed to the student
- 2.6 If a student is dissatisfied with the outcome of the formal complaint process, he/she may lodge an internal appeal by completing the Internal Appeal Form.

3.0 Internal Appeal Process

- 3.0 Internal appeals may arise from a number of sources including appeals against decisions arising from complaints mentioned above, appeals against discipline actions and appeals against intention to report for not meeting student visa requirement. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by the College.
- 3.1 An Internal Appeal request for the following matters must be lodged by a student within 20 working days after receiving notification of an intention to report to DHA in order to be considered by the College.
- Deferral of commencement, suspension or cancelling a student enrolment
 - Non achievement of satisfactory attendance
 - Non achievement of satisfactory course progress
 - Financial matter
- 3.2 Internal Appeal process is initiated by completing the Internal Appeal Form which is available at reception.
- 3.3 Student who fails to achieve satisfactory attendance or satisfactory course progress should contact the Director of Studies (VET) or Academic Manager (ELICOS) to arrange a meeting for the interview. Student who fails to pay the tuition fee or faces suspension or enrolment to be cancelled should arrange a meeting to see Student Administration Manager
- 3.4 At the meeting, the Director of Studies (VET)/ Academic Manager (ELICOS) or Student Administration Manager will go through the information provided on the Internal Appeal Form and the supporting documentation and discuss further for clarification and investigation. Then details of the discussion and the action to take after the decision is reached will be recorded in writing and signed and dated by the student and the Director of Studies or Student Administration Manager who conducted the interview on the Student Interview Form.
- 3.5 Student may invite a support person to accompany and assist you to the meeting. Student may also be asked to provide relevant supporting documentation. The College may require you to provide additional documentation and may take steps to verify the authenticity of the documents you provide (including medical certificates, if relevant).
- 3.6 The College will finalise the internal appeal application as soon as practicable. The College will communicate the outcome of the investigation of your appeal and a written report of the outcome, including the reasons for the outcome will be provided to you.
- 3.7 If student is not satisfied with the internal appeal outcome sent by the Director of Studies (VET)/Academic Manager (ELICOS) or Student Administration Manager, he/she can arrange a meeting to see the Chief Executive Officer.
- 3.8 At the meeting, the Chief Executive Officer will hear the appeal and go through all the previous information and interview the student again and propose a final resolution. After the interview, the CEO will delegate the Director of Studies (VET)/Academic Manager (ELICOS) or Student Administration Manager to send out the Internal Appeal Outcome Letter. This is the end of the internal appeal process.
- 3.9 A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- 3.10 The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
- 3.11 A maximum time of 20 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.
- 3.12 The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and the College and placed in the student file
- 3.13 There are no further avenues within the College for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available if student is dissatisfied for the internal appeal with the college.

4.0 External appeal process

- 4.1 The purpose of the external appeal process is to consider whether the College has followed its student complaint and appeals procedure, not to make a decision in place of the College. For example, if a student appeals against his or her subject results and goes through the College internal appeals process, the external appeals process (if accessed) would look at the way in

which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

- 4.2 Students who are not satisfied with the result or conduct of the College's internal complaints and appeals process may access an external appeal through an independent body, i.e. the Overseas student ombudsman. Please visit the following website to access external appeal process. <http://www.ombudsman.gov.au/making-a-complaint>.
- 4.3 The Overseas Students Ombudsman investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The Overseas Students Ombudsman provides a free service, is independent and impartial, and does not represent either overseas students or private education providers and can make recommendations arising out of investigations.
- 4.4 Students who access the external appeal process should be aware that the College may be requested to disclose information that is private and personal to the student and by accessing the external appeal process, the student consents to the disclosure of such private and personal information by the College.
- 4.5 Students may also take action under Australia's consumer protection laws and, where a student does so, the student is deemed to have accessed the College's complaints and appeals process. This can be done through the Department of Fair Trading.
- 8.6 To apply for External Appeal, a student must complete an application form (available on <http://www.ombudsman.gov.au/making-a-complaint>); If student decides to proceed with the external appeal, he/she must notify the College by providing the evidence within 5 working days so the time is allowed for this process.
- 8.7 The College maintains the student's enrolment (i.e. not to report the student for unsatisfactory progress or attendance or non-payment) until the external complaints process is complete and has supported the College's decision to report.
- 8.8 The College will wait for the outcome of the external process in this case as reporting a student for unsatisfactory progress or attendance has serious consequences for the student's visa – it may result in automatic cancellation.
- 4.9 Where an external appeal process results in a decision that supports the student, the College will immediately implement the decision and/or corrective and/or preventative action required, and advise the student of the outcome.
- 4.10 Following the receipt of the outcome of the external appeal, the College must immediately implement the decision and convey the outcome to the student.

If an appeal is against a College decision to report the student for unsatisfactory course progress or unsatisfactory attendance, the College must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external appeals process is complete and has supported the provider's decision to report.

If an appeal is against a College decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment as per Standard 9, the College only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Education through PRISMS of the change to the student's enrolment. Once the Department of Education has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to leave Australia or show the Department of Immigration and Border Protection (DHA) a new Confirmation of Enrolment (CoE) or provide DHA with evidence that he or she has accessed an external appeal process.