

## Complaints and Appeals Policy

### 1. Purpose

1.1 This procedure outlines the processes for the management of complaints and appeals that are formally lodge with the Institute. The process is at no cost to the student.

### 2. Definitions

- a) **Complainant** - Person who lodges a complaint
- b) **Complaint** - A complaint presented by an individual, or a group, based on the opinion that they are, or have been, receiving treatment that differs from the treatment received by other individuals or groups (including Discrimination). A complaint may also be against the unacceptable behavior of an individual.
- c) **Appeal** – A request to have a decision reviewed. This may be a decision made in terms of reviewing a complaint or an academic decision (e.g. an assessment or Unit of Competency result or some any other decision made by the Institute in its day to day working).
- d) **Discrimination** - is defined as:
  - a. **Status or Private Life** - The Victorian Equal Opportunity Act 2010 stipulates that no person shall experience discrimination on the grounds of that person's status or private life. 'Status' refers to a person's sex, marital status, race, impairment, being a parent, childless or a de facto spouse. 'Private Life' refers to the holding or not holding of any lawful religious or political beliefs and engaging or refusing to engage in any lawful religious or political activities. The Act applies to education and employment.
  - b. **Direct Discrimination** - any decision or action which specifically excludes a person or group of people from a benefit or opportunity, or significantly reduces their chances of obtaining it, because a personal characteristic irrelevant to the situation is applied as a barrier.
  - c. **Indirect Discrimination** - attitudes and assumptions which are incorporated into rules, policies and practices, that appear to be neutral or to treat everyone equally, but may in fact disadvantage one group.
- e) **Respondent** – Person/Institute who it is alleged undertook the behavior which resulted in the complaint
- f) **Register** – is the complaints and appeals register maintained to record formal complaints and or appeals (including external) to enable management review and analysis to help ascertain root causes and feed into the continuous improvement process.

### 4. Policy

4.1 The Institute encourages all parties to try to resolve the issue informally if that is possible. This has a number of advantages in term of immediacy, and usually results in the line of communications being opened more. However, it is recognized that this is not always appropriate, e.g. in cases of sexual harassment. If the complaint is not able to be resolved at this stage, the individual with the complaint has the right to consult, in confidence, any one of the following persons or bodies listed below at any time:

- a. Coordinator where the complaint involves a member of staff
- b. The Student Administration

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- c. The Director of Studies/VET Coordinator
- d. The CEO
- e. A person designated by the CEO on behalf of the Institute as a complaints adviser

4.2 In the event a student (or staff member) is unhappy about a situation and want to lodge a complaint, the Institute undertakes to take the complaint seriously and process it as quickly as possible but with a view of providing a clear answer in a maximum of 10 working days.

4.3 The Institute also recognizes that there are decisions (either as a result of a complaint or as a result of an assessment decision) that students are unhappy about. In this case a student can lodge an Appeal which will review that decision.

4.4 If the complainant or appellant is not happy with the outcome of the internal appeals process then they may request to have that reviewed externally. Institute will support them in the process of applying for that to happen.

4.5 Whilst the sources of a complaint or an appeal will be varied, the process undertaken is essentially the same, so this policy and the process below will apply to both complaints and appeals.

The Institute will ensure that:

- a) All disputes, complaints and appeals will be handled professionally, equitably, confidentially, and in a timely manner, with a view to achieving a satisfactory resolution
- b) All parties will have a clear understanding of the steps involved in the procedure, prior to, and during the carrying out of the procedure
- c) Prospective students are provided with a copy of the policy before making a contract to enrol, and again at course commencement
- d) Relevant staff members are familiar with the policy

## 5. Lodging a compliant or appeal

When lodging a complaint or appeal it is important that as much detail and / or attached evidence is provided to support the case. Further evidence may be asked for if insufficient is attached.

5.1 To lodge a formal complaint the complainant must complete a Complaints and Appeals Form and hand it via reception to the Student Administration

5.2 To lodge a formal appeal the appellant must complete a Complaints and Appeals Form and hand it via reception to the Student Administration

5.3 Institute will acknowledge receipt of the form.

## 6. Common Process

6.1 The complaints/appeals pro-forma will be copied and the copy being given back to the student.

6.2 It should be noted that, at this stage, a formal complaint or appeal is being lodged. All reasonable measures will be taken to finalise the process as soon as practicable or within 10 working days. If for any reason the process has to be extended the Institute undertakes to update the complainant/appellant with the reasons and provide a new target resolution date.

6.3 The student will be advised that there will be no charge incurred.

6.4 The student will be advised that the services of the student advocate are available to support them in their complaint or appeal.

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- 6.5 The Student Administration will, based on the nature of the complaint, arrange a meeting consisting of with the relevant personnel – trainers/assessor/lecturer or other parties that may be involved in some way including, if the student wishes, the student advocate to determine if there is a case to answer or whether the complaint or appeal is legitimate and is upheld.
- 6.6 If the complaint or appeal is upheld, then the Student Administration will immediately
- 6.6.1 Notify the claimant/appellant of the outcome
  - 6.6.2 Put a corrective action in place
  - 6.6.3 Ensure any systemic issues are escalated for continuous improvement
  - 6.6.4 Close the case and record the details in the Complaints and Appeals Register and place the documentation on the student file
- 6.7 If the meeting decides that the complaint or appeal should not be upheld, then the Student Administration should
- 6.7.1 Organise a formal review meeting with the Director of Studies/VET Coordinator, the CEO or his designate as appropriate – there should be at least one manager at the meeting
  - 6.7.2 Communicate the date and time to the reviewers and the student advising them to formally present his or her case and that they may bring a 3<sup>rd</sup> party to support their case or help (in case of language or other difficulties)
  - 6.7.3 The meeting will also ask for input from the respondent
  - 6.7.4 Every chance must be given to the complainant/appellant to present their case and new evidence will be accepted if it helps clarify the situation
- 6.8 After the meeting a determination will be made within 3 working days and communicated to the student
- 6.8.1 If the decision is in favor of the complainant or appellant then the Institute will follow the actions as outlined in 6.5 above
  - 6.8.2 If the decision does NOT uphold the complaint then an appeal may be lodged within 10 days of the decision
  - 6.8.3 If the appeal goes against the student, then they must be informed of their rights to lodge an external appeal
  - 6.8.4 A statement of findings in relation to each complaint or appeal that demonstrates the reasons behind the decisions made at each stage will be provided. Evidence that the statement is issued to the student and a copy retained on the student's file and advice will be given to students of the independent bodies available to them
- 6.9 External Appeals
- 6.9.1 International Students will need to appeal to the Overseas Students Ombudsman
  - 6.9.2 Domestic Students will need to contact Victorian Civil and Administrative Tribunal (VCAT) or another mediation services such as LEADR.
  - 6.9.3 The Institute will cooperate with the Overseas Students Ombudsman or VCAT / mediation in providing all documentation related to the appeal. Should an appeal relate to a decision of the Institute to cancel a student's enrolment, and that appeal is rejected even by the Overseas Students Ombudsman, the Institute will advise Department of Home Affairs regarding the cancellation of enrolment and the student's visa may be cancelled
  - 6.9.4 The Institute will implement any reasonable changes to its policies, procedures or other requirements as a result of the determination of the external appeal body
- 6.10 The Institute will maintain the student's enrolment throughout the internal and external appeals process
- 6.11 All documentation relating to the complaint and appeal will be recorded in the student file

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## 6.12 External Appeal Bodies

6.12.1 The Overseas Student Ombudsman can be contacted at [www.oso.gov.au](http://www.oso.gov.au) full details for students are provided on that site and their services are free

6.12.2 The Victorian Civil and Administrative Tribunal (VCAT) can be contacted at <https://www.vcat.vic.gov.au/>

6.12.3 The student may also contact the ASQA (Australian Skills Quality Authority) by email: [complaintsteam@asqa.gov.au](mailto:complaintsteam@asqa.gov.au) if he or she is dissatisfied with the Institute's complaints and appeals process

6.13 The student is also informed in the written internal appeal response, that a student may access and receive the outcome of only one external appeals process before the Institute may report the student to Department of Home Affairs with regards to unsatisfactory course progress (Standards 8 of National Code 2018 - Overseas student visa requirements). If the appeal is unsuccessful, the Institute will cancel the enrolment by reporting to Department of Home Affairs. If the appeal by the student is successful, the Institute will abide the recommendation of the external appeals committee and will not report the student to Department of Home Affairs.

6.14 International Students may also contact the Department of Education through the ESOS General Enquiries Phone: 1300 615 262 or online [ESOS Enquiry Form](#), if he or she is dissatisfied with the Institute's complaints and appeals process.

## 7 Complaints and Appeals Register

7.1 The Institute will maintain a register of all complaints and appeals with sufficient information to enable the senior management to trace the individual case, and to review all cases to determine whether there are other systemic issues that need to be reviewed.

## 8 Consumer Rights

8.1 Nothing contained in this Complaints and Appeals procedure prevents a student from exercising their rights to other legal remedies or obtaining advice from other authorities or agencies and protection under Australian Consumer Law.

8.2 Freedom of information and Privacy issues must be considered and adhered to at all times and throughout the process. The original written complaint together with a copy of the acknowledgement and any responses or correspondence related to the complaint is retained in the student's hard file record.

## 9 Publication

9.1 This policy will be published on the Institute website, in the Student Handbook and the Staff Handbook.

### Records:

Complaints and Appeals Application Form

Diagrammatic representation for publication on student notice boards

### Coverage:

This policy addresses the following Standard Clauses fully or in part from the Standards for RTOs 2015 – 6.1, 6.2, 6.3, 6.4, 6.5 and National Code 2018 - Standard 10.

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## Student Complaints and Appeals Form

(Students who wish to lodge complaint/appeal are to fill in this form and meet the Student Administration)

<b>PERSONAL DETAILS</b>	Student Name								
	Student Id								
	Course	Batch no							
State Nature (Tick mark relevant field)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Complaint</td> <td style="width: 25%;">Appeal</td> <td style="width: 25%;"></td> </tr> <tr> <td>Academic</td> <td>Personal/General</td> <td></td> </tr> </table>			Complaint	Appeal		Academic	Personal/General	
Complaint	Appeal								
Academic	Personal/General								
Brief narration (add additional sheets where required)	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>								
Have you tried to resolve the issue informally with the concerned staff? If so, what was the outcome?	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>								

Students Signature	Date
Student Administration Signature	Date

Remarks of Director of Studies/ VET Coordinator (For Academic issues)  or  Student Administration (For Personal or General concerns)  After Interview/meeting the Student	
Students Signature	Date:

**Note: The Student Administration is the point of contact, who would facilitate and coordinate the entire process, either informally or formally and for compilation of records.**

**Stage II (Formal Resolution through Internal Appeals Committee)**

(To be filled by the Student)

**Date of submission:** ...../...../.....

(Use this form if the Complaint/Appeal is not resolved informally)

PERSONAL DETAILS	Students Name	Student Id		
	Course	Batch no		
	Student Support Person:			
State Nature (Tick mark relevant field)	Complaint	<input type="checkbox"/>	Appeal	<input type="checkbox"/>
	Academic	<input type="checkbox"/>	Personal/General	<input type="checkbox"/>
Complaint/Appeal (add additional sheets where required)	_____			
	_____			
	_____			
	_____			
	_____			
	_____			
	_____			
Student Signature: Date:...../...../.....				
Records	Part I (Student Complaints and Appeals Process) should be attached to this form			

**Note:**

- The student can be accompanied by a 'Support Person' while hearing the case in the Internal Complaints/Appeals Committee.
- Note that during this process, a student's enrolment will be maintained until the outcome of the complaint or appeal is known, except for exceptional cases. Please provide a written statement of the outcome including reasons and details for the decision to the student within 3 working days.
- The procedure does not remove the right of the international student to take action under Australia's consumer protection laws. The student may also contact Department of Education through the ESOS General Enquiries Phone: 1300 615 262 or online [ESOS Enquiry Form](#), if he or she is dissatisfied with the Institute's complaints and appeals process.
- The procedure does not remove the right of the domestic student to take action under Australia's consumer protection laws. The student may also contact ASQA (Australian Skills Quality Authority) by email: [complaintsteam@asqa.gov.au](mailto:complaintsteam@asqa.gov.au) if he or she is dissatisfied with the Institute's complaints and appeals process.

**Deliberations of Internal Complaints Committee**

Date convened: ...../...../.....

Student Administration	Name:
Director of Studies/VET Coordinator	Name:
Deliberations/Decisions of CEO	
	CEO Signature: _____ Date: _____

**Note:** Where the internal Complaints/Appeals is unsuccessful, the student should be advised of the external Complaints and Appeals procedure. If the student seeks external appeals he/she should be guided through the process. He/she is required to lodge an Appeal with the Overseas Students Ombudsman if he/she is an overseas student & VCAT if he/she is a domestic student, for the external mediation within 10 working days of the Institute's decision. Note that an international student may access and receive the outcome of only one external appeals process before the Institute may report the student to Department of Home Affairs with regards to non-compliance for academic progress issues (Standards 8 of National Code 2018 - Overseas student visa requirements).

<p><b>Actions by the Convener:</b></p> <hr/> <hr/> <hr/>
<p><b>Actions by the Student Administration:</b></p> <hr/> <hr/> <hr/>



**Stage III (Actions to be taken as a result of an external appeal)**

Date report received: ...../...../.....

Student Name	Student Id:
External Body	
Actions to be taken as a result of feedback	
Signature of the Student Administration	Date:
_____ (Name)	_____

**Note: This form to be forwarded to the CEO with the outcomes to organise actions to correct the issues identified above.**

**Actions by the Institute (Student Administration):**

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**Signature:**

**Name:**

**Date:**