

## **SC14-I - COMPLAINTS & APPEALS P&P**

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# SC14-I: Complaints and Appeals Policy & Procedure

## Domestic and International Students

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### Purpose

The purpose of this policy and procedure is to outline OUR INSTITUTE’s approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensures compliance with Standard 6 of the Standards, as well as compliance with the of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 standards 6 & 10.

### Definitions

**ASQA** means Australian Skills Quality Authority, the national VET regulator and the RTO’s registering body

**Appeal** means a request for a decision made by OUR INSTITUTE to be reviewed

**DET** means Department of Education and Training

**Complaint** means a person’s formal expression of dissatisfaction with any product or service provided by OUR INSTITUTE.

**PRISMS** means Provider Registration and International Students Management System

**Services** means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support

**Standards** means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework and ELICOS National Code.

### Policy

1. OUR INSTITUTE responds to all allegations involving the conduct of:

- The RTO, its trainers and assessors and other staff.
  - Any third party providing Services on behalf of OUR INSTITUTE.
  - Any student or client of OUR INSTITUTE.
2. Complaints may be made in relation to any of OUR INSTITUTE's services and activities such as:
    - the application and enrolment process
    - marketing information
    - the quality of training and assessment provided
    - training and assessment matters, including student progress, student support and assessment requirements
    - the way someone has been treated
    - the actions of another student
  3. Appeals should be made to request that a decision made by OUR INSTITUTE is reviewed. Decisions may have been about:
    - course admissions
    - refund assessments
    - response to a complaint
    - assessment outcomes / results
    - other general decisions made by OUR INSTITUTE
  4. OUR INSTITUTE is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice.
  5. Through this policy and procedure, OUR INSTITUTE ensures that complaints and appeals:
    - Are responded to in a consistent and transparent manner.
    - Are responded to promptly, objectively, with sensitivity and confidentiality.
    - Are able to be made at no cost to the individual.
    - Enable the complainant or appellant to be accompanied by a support person at any meetings that occur during the process.
    - Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
  6. OUR INSTITUTE acknowledges the need for domestic students for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by OUR INSTITUTE.

The independent party recommended by OUR INSTITUTE is Law Society of New South Wales who have a cost of \$ \$825 (including GST) per party – Administration fee of \$165 plus the mediator's fee of \$660. per matter, however complainants and appellants are able to use their own external party at their own cost. OUR INSTITUTE.

Where a domestic student is not satisfied with the outcome or conduct of the independent third party, they are referred as per Australia's Consumer Law (effective 1 Jan, 2011) to make an external complaint about any administrative decision should do so after following the Colleges appeals processes by contacting: NSW Department of Fair Trading

Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Students Ombudsman (OSO). This service is free of charge.

7. Complaints and appeals should be addressed to the CEO and made in writing by email or by using the [student request form](#) available on our [website](#) within 30 calendar days of the original decision being made.

When making a complaint or appeal, provide as much information as possible to enable OUR INSTITUTE to investigate and determine an appropriate solution. This should include:

- The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
  - Any evidence you have to support your complaint or appeal.
  - Details about the steps you have already taken to resolve the issue.
  - Suggestions about how the matter might be resolved.
8. Some or all members of the management team of OUR INSTITUTE will be involved in resolving complaints and appeals as outlined in the procedures. Where a third party delivering Services on behalf of the RTO is involved, they will also be included in the process of resolving the complaint or appeal.
  9. Where a student chooses to access this policy and procedure, OUR INSTITUTE will maintain the student's enrolment while the complaints/appeals handling process is ongoing.
  10. The enrolment status of student will be handled as follows:
    - For domestic students that choose to access this policy and procedure, OUR INSTITUTE will maintain the student's enrolment while the complaints and appeals process is ongoing. If the student decides to access the independent third party mediator; OUR INSTITUTE agrees to be bound by the independent mediator's recommendations and the CEO, or their authorised representative, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator's report.
    - For international students, OUR INSTITUTE will maintain a student's enrolment throughout the internal appeals processes without notifying DET via PRISMS of a change in enrolment status. In the case of an external appeals process it will depend on the type of appeal as to whether OUR INSTITUTE maintains the student's enrolment as follows:
      - If the appeal is against OUR INSTITUTE's decision to report the student for unsatisfactory course progress or attendance, the student's enrolment will be maintained until the external process is completed and has supported or not supported OUR INSTITUTE's decision to report.
      - If the appeal is against OUR INSTITUTE's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, OUR INSTITUTE will notify DET via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process.
  11. Complaints and appeals will be finalised within 60 calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time as the matter is resolved.
  12. OUR INSTITUTE will maintain a record of all complaints and appeals and their outcomes on the *Complaints and Appeals Register*.
  13. Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

## Procedure

### *1. Complaints*

| Procedure   | Responsibility                            |
|---|---|
| <p>A. <i>Receive and acknowledge complaint</i></p> <ul style="list-style-type: none"> <li>• <i>As per policy, complaints are to be made in writing by the complainant, attention to the CEO whether by using the <a href="#">Student Request Form</a> available on our website or by email (addressed to the CEO).</i></li> <li>• <i>The CEO should review all complaints upon receipt.</i></li> <li>• <i>Record details of the complaint on the Complaints and Appeals Register.</i></li> <li>• <i>Commence process of investigation within 10 days of receiving the complaint.</i></li> </ul> | <p><b>CEO and Administration Team</b></p> |

|  |  |
|--|--|
| <p><i>B. Investigate the complaint</i></p> <ul style="list-style-type: none"> <li>• <i>Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete.</i></li> <li>• <i>Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face to face, the complainant may be accompanied by a support person.</i></li> <li>• <i>If the matter is in relation to a third party delivering Services on behalf of the RTO, the third party should be involved in the resolution of the complaint.</i></li> <li>• <i>The CEO will review the information and decide on an appropriate response. Where deemed necessary by the CEO, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution.</i></li> <li>• <i>Note: The complaint must be completely resolved within 60 calendar days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing along with reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved.</i></li> </ul> | <p><b>CEO or authorised representative</b></p> |
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| <i>Procedure</i>  | <i>Responsibility</i>             |
|---|-----------------------------------|
| <p><b>C. Advise of the outcome and update records</b></p> <ul style="list-style-type: none"> <li>• Provide a written response to the complainant outlining: <ul style="list-style-type: none"> <li>– The RTO’s understanding of the complaint</li> <li>– The steps taken to investigate and resolve the complaint</li> <li>– Decisions made about resolution, with reasons for the decisions made</li> <li>– Areas that have been identified as possible causes of the complaint and improvements to be recommended</li> <li>– Their right to access the appeals process if they are not satisfied with the outcome of the complaints process.</li> </ul> </li> <li>• Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the complaint.</li> <li>• Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome.</li> <li>• Keep a copy of the complaint and supporting documents in the Complaints file and in the student or staff file (where relevant).</li> <li>• Discuss the complaint and its outcome at the next management meeting.</li> </ul> | <p><b>CEO or the delegate</b></p> |

**2. Appeals**

| <i>Procedure</i>   | <i>Responsibility</i>         |
|--|-------------------------------|
| <p><b>D. Receive and acknowledge appeal</b></p> <ul style="list-style-type: none"> <li>• <i>As per policy, appeals are to be made in writing by the appellant, attention to the CEO by email or by using the <a href="#">student request form</a> on our website</i></li> <li>• <i>The CEO should review all appeals upon receipt.</i></li> <li>• <i>Record details of appeal on the Complaints and Appeals Register.</i></li> </ul> | <p><b>CEO or delegate</b></p> |



| Procedure   | Responsibility                      |
|---|-------------------------------------|
| <p><i>E. Respond to assessment appeals</i></p> <ul style="list-style-type: none"> <li>• <i>In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again.</i></li> <li>• <i>The assessment decision made during the appeals process will be considered the actual assessment outcome for the task.</i></li> <li>• <i>Advise the student of the outcome of the appeal as per point G below.</i></li> </ul>   | <p><b>CEO, Training Manager</b></p> |
| <p><i>F. Respond to appeals against non-academic decisions</i></p> <ul style="list-style-type: none"> <li>• <i>Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision.</i></li> <li>• <i>Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.</i></li> <li>• <i>If the matter is in relation to a third party delivering Services on behalf of the RTO, the third party should be involved in the resolution of the appeal.</i></li> <li>• <i>The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, OUR INSTITUTE may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This will be at OUR INSTITUTE’s cost.</i></li> <li>• <i>OUR INSTITUTE’s Management team will review all relevant information and decide on an appropriate response.</i></li> <li>• <i>Note: The appeal must be resolved within 60 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved.</i></li> </ul> | <p><b>Management team</b></p>       |

| Procedure  | Responsibility                           |
|--|--|
| <p><b>G. Advise appellant of the outcome and update records</b></p> <ul style="list-style-type: none"> <li>• Provide a written response to the appellant outlining: <ul style="list-style-type: none"> <li>– The RTO’s understanding of the reasons for the appeal</li> <li>– The steps taken to investigate and resolve the appeal</li> <li>– Decisions made about resolution and reasons for the decisions</li> <li>– If relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended</li> <li>– Their right to, and information on, the external appeals process.</li> <li>– For international students, the effect on their enrolment status (see enrolment status in policy)</li> </ul> </li> <li>• Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the appeal.</li> <li>• Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome.</li> <li>• Keep a copy of the appeal and supporting documents in the Complaints file and in the student or staff file (where relevant).</li> <li>• Discuss the appeal and its outcome at the next management meeting.</li> </ul> | <p><b>CEO or Administration Team</b></p> |

### 3. Independent Reviews by External Party

| Procedure   |  |  | Responsibility                   |
|---|--|--|----------------------------------|
| <p><b>H. External complaint or appeal</b></p> <ul style="list-style-type: none"> <li>• If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal.</li> <li>• Additionally, a complainant or appellant who has been through the internal processes may request OUR INSTITUTE to appoint an independent party to review the matter.</li> <li>•</li> </ul>   |  |  | <p><b>Relevant Personnel</b></p> |
| For overseas students   | For traineeships   | For domestic students  |                                  |
| <p>Overseas Students Ombudsman<br/> Web: <a href="http://www.ombudsman.gov.au/">www.ombudsman.gov.au/</a><br/> Email: <a href="mailto:ombudsman@ombudsman.gov.au">ombudsman@ombudsman.gov.au</a><br/> Phone: 1300 362 072<br/> Fax: 02 6276 0123<br/> Postal: GPO Box 442 Canberra ACT 2601</p>   | <p>State Training Services Customer Support Centre<br/> Web: <a href="http://www.training.nsw.gov.au">www.training.nsw.gov.au</a><br/> Phone: 1300 772 104<br/> Postal: Locked bag 5009 Strawberry Hills, NSW 2012</p> | <p><b>Independent Third party</b><br/> Law Society of New South Wales<br/> 170 Phillip Street<br/> Sydney NSW 2000<br/> DX 362 Sydney<br/> T: (02) 9926 0333<br/> F: (02) 9231 5809<br/> E: <a href="mailto:lawsociety@lawsociety.com.au">lawsociety@lawsociety.com.au</a><br/> <b>External Appeal</b><br/> NSW Department of Fair Trading<br/> Telephone 13 32 20<br/> <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a></p> |                                  |
| <ul style="list-style-type: none"> <li>• <i>If a domestic student decides to access the independent third party mediator; OUR INSTITUTE agrees to be bound by the independent mediator's recommendations and the CEO, or their authorised representative, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator's report.</i></li> <li>• <i>OUR INSTITUTE will co-operate fully in the process of the external party to investigate and review the matter. This will include and not be limited to providing full access to the relevant student file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them.</i></li> <li>• <i>Where the decision of the external party supports OUR INSTITUTE, OUR INSTITUTE will notify DET via PRISMS of the change in enrolment status.</i></li> </ul> |  |  |                                  |

## Document Control

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| Revised by:    | Roy Bahri  |
| Revision Date: | 10.01.2023   |
| Standards:     | Standard 6, Clause 6.1, 6.2, 6.3, 6.4, 6.5 & 6.6 National Code 2018 Standards 6 & 10 |

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