



# Complaints and Appeals Policy and Procedure

Release 1.4

## Table of Contents

1. Definitions.....	3
2. Purpose.....	5
3. Scope.....	5
4. Responsibility .....	5
5. Principles.....	6
6. Informal Complaints/Appeals Procedure.....	7
7. Formal Complaints/Appeals Procedure .....	8
8. External Complaints/Appeals Procedure .....	10

## 1. Definitions

Term	Meaning
<b>Appellant</b>	A person who applies to a higher authority for a reversal of the decision of a lower authority.
<b>ASQA</b>	Australian Skills Quality Authority is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.
<b>Appeal</b>	A formal request in writing by an overseas student to request a formal change to an official final decision made in relation to that student. This will take the form of a formal complaint, where the student contests a decision, outcome or penalty applied by College. Such a decision may include, but is not limited to unsatisfactory attendance or course progression, cancellation of enrolment, refunds of fees, formal warnings given to the student for breaching Student Handbook or Student Conduct Rule
<b>Complaint/Grievance</b>	A cause of dissatisfaction by an overseas student about a decision and/or action, including but not limited to the conduct of another student or staff member that is unfair or unreasonable which has caused or is causing detriment to the student
<b>Complainant</b>	A person lodging a complaint or appeal.
<b>CRICOS</b>	Commonwealth Register of Institutions and Courses for Overseas Students
<b>Enrolment Form</b>	An application form completed by the overseas student to apply for a course or courses offered at College.
<b>ESOS</b>	<i>Educational Services for Overseas Students Act 2000</i> (Cth) as amended from time to time
<b>External Appeal</b>	Where the overseas student who is not satisfied by an Internal Appeal decision of College requests the Appeal to be reviewed or reconsidered by an external party to the College.
<b>Letter of Offer/ Written Agreement</b>	The letter sent to the overseas student by the College offering the student a placement in a course with the College.  Once the Letter of Offer is accepted, it is often known as a Written Agreement under Australian Law.
<b>National Code 2018</b>	National Code of Practice for Providers of Education and Training to Overseas Students 2018
<b>Principles of natural justice</b>	The principle of natural justice, which is fundamental to good governance, should underpin every compliance decision made by the College.

	<p>Natural justice is a doctrine which seeks to protect those affected against arbitrary exercise of power by ensuring fair play. It is particularly relevant to decisions which clearly affect individuals' rights, for example, when dealing with complaints and appeals.</p> <p>There are two fundamental rules for natural justice:</p> <ul style="list-style-type: none"> <li>- all sides of an argument should be given a fair opportunity to be heard before a decision is made</li> <li>- the decision maker must not have predetermined the matter or be perceived as having predetermined the matter</li> </ul>
<b>PRISMS</b>	Provider Registration and International Student Management System (PRISMS)
<b>Procedural Fairness</b>	<p>Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision.</p> <p>The rules of procedural fairness require:</p> <ul style="list-style-type: none"> <li>- a hearing appropriate to the circumstances;</li> <li>- lack of bias;</li> <li>- evidence to support a decision; and</li> <li>- inquiry into matters in dispute</li> </ul>
<b>the College</b>	Refers to Australia Institute of Business and Technology (AIBT), and any affiliated/associated educational institution.
<b>Respondent</b>	A person responding to a complaint or appeal
<b>RTO Standards</b>	Standards for Registered Training Organisations (RTOs) 2015
<b>Student Visa Conditions</b>	<p>As an international student on a student visa, you must:</p> <ul style="list-style-type: none"> <li>- comply with your student visa conditions</li> <li>- ensure you have and continue to maintain your Overseas Student Health Cover (OSHC) for as long as you stay in Australia on a student visa</li> <li>- tell your institution if you change your address or other contact details</li> <li>- meet the terms of your written agreement (Letter of Offer) with the College (including payment of fees). Please note, the written agreement is a legal contract which requires you to maintain satisfactory course progress and attendance.</li> </ul>
<b>Support Person</b>	<p>A friend, family member, legal guardian, relative or a counsellor of a student who can provide support, if needed. Please note agents of any kind, lawyers or anyone who has a perceived commercial interest are not permitted to attend as a Support Person, as they are considered to have a conflict of interest.</p> <p>the College is not obliged to meet or respond in any form (phone, email etc) to any request received from the agent, lawyer or similar seeking personal information which may be perceived to have a conflict of interest or any commercial interest whatsoever.</p>

## 2. Purpose

The purpose of this Policy is to ensure that the College provides a professional, equitable and documented complaints handling framework to manage and resolve student complaints and appeals in a timely manner.

## 3. Scope

**3.1** In accordance with RTO Standards and the National Code, complaints and appeals are to be recorded, acknowledged and dealt with fairly, efficiently and effectively. the College is required to have a complaints and appeals policy to manage and respond to allegations involving the conduct of:

- 3.1.1** all students currently enrolled at the College who elect to lodge an informal complaint, a formal complaint, an internal appeal and/or an external appeal;
- 3.1.2** trainers, assessors or other staff of the College involved in the complaints and appeals procedure; and
- 3.1.3** any third-party providing services on behalf of the College (i.e. agents).

**3.2** This Policy applies to complaints and appeals arising between parties, namely student-to-student, student-to-staff or student-to-agent, as well as complaints relating to the College services and procedures.

**3.3** This Policy designates staff trained in handling student complaints and appeals and ensures that such staff also act in accordance with the Policy.

**3.4** This Policy does not replace or modify those or any other responsibilities which may arise under other policies, statutes or any other law. The availability of this complaints and appeals procedure does not exhaust the right of the student to take action under Australia's Consumer Protection Laws. This Policy does not circumscribe an individual's rights to pursue other legal remedies.

## 4. Responsibility

**4.1** Under the ESOS, Standard 10 of the National Code, and RTO Standards, the College is required to:

- 4.1.1** have and implement a documented internal complaint handling and appeals policy and procedure,
- 4.1.2** commence assessment of the complaint or appeal within 10 working days of it being made in accordance with this Policy, and ensure an effective resolution within a reasonable timeframe (however, in some cases, particularly if the matter is complex, the resolution may take a longer time period);
- 4.1.3** provide the student, within 10 working days of their right to access an external appeals procedure, with contact details of the appropriate external complaints handling and appeals body as well as information regarding the correct procedure for external appeals if the student is not satisfied with the outcome of the internal complaints and appeals procedure;
- 4.1.4** if the internal or external complaints handling or appeal procedure results in a decision or recommendation in favour of the student, the College must immediately implement



the decision or recommendations and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action; and

**4.1.5** if the external appeal procedure determines that the student has breached a prescribed condition of his or her student visa, the College must report the student to Department of Home Affairs via PRISMS for not meeting course progress or attendance requirements.

**4.2** the College is further responsible in ensuring that this Policy is made readily accessible for staff, students and other individuals associated with the College. This may include, but is not limited to:

**4.2.1** ensuring the Policy is accessible on the College website;

**4.2.2** referencing the link to the Policy within relevant the College documents (i.e. Student Enrolment Form and Letter of Offer provided to new and prospective students);

**4.2.3** providing a copy of the Policy along with the Student Guide; and

**4.2.4** providing updates on the College website as to the amendments of the Policy.

## 5. Principles

**5.1** the College will uphold the following principles:

**5.1.1** manage requests for reviews of decisions, including assessment decisions;

**5.1.2** make public this Policy and the management of it;

**5.1.3** ensure complaints and appeals are acknowledged in writing and finalised as soon as practicable;

**5.1.4** ensure that the complainant or appellant is advised in writing if it is considered that 60 calendar days will be exceeded to finalise the complaint or appeal, and provide reasons for the delay and regular updates on progress; and

**5.1.5** maintain records in a secure environment and identify potential causes of complaints and appeals including their outcomes to take appropriate action to mitigate the likelihood of reoccurrence.

**5.2** the College is committed to implementing the principles of natural justice and procedural fairness at every stage of the complaint and appeal procedure. the College will conduct the assessment of the complaint or appeal in a professional, fair and transparent manner. In this regard, the College aims to:

**5.2.1** develop a culture that views complaints and appeals as an opportunity to improve the organisation and how it works;

**5.2.2** set in place a complaints and appeals handling system that is student focused and helps the College prevent these events from recurring;

**5.2.3** ensure that any complaints and appeals are resolved promptly, objectively, with sensitivity and in complete confidentiality;

**5.2.4** ensure that, in the case of overseas students, complaints are resolved promptly as not to impact on an overseas student's study time in Australia as determined by their visa; and

**5.2.5** ensure that the views of each complainant and respondent are respected and that any party to a complaint or appeal is not discriminated against nor victimised.

**5.3** Resolution of a complaint may be reached at any stage. Upon resolution all further investigation ceases, unless, in the interests of improving the services, products or processes the manager involved in the investigation or resolution considers further investigation is warranted.

**5.4** Students will be required to continue their studies as per usual when the complaint procedure is taking place, with the exception where their health or safety is potentially at risk or if they pose a health or safety risk to others. There may be some cases where it is considered more appropriate for the student to complete work outside of the classroom environment and this will be discussed with the student when the complaint or appeal is lodged.

## **6. Informal Complaints/Appeals Procedure**

### **Step 1: Lodging an Informal Complaint/Appeals**

**6.1** Overseas students who wish to make a complaint/appeal or grievance are encouraged, in the first instance, to attempt to resolve their complaint/appeal through an informal discussion. The College staff are available to assist students in resolving their issues at an informal level.

**6.2** When a complaint/appeal is not straightforward and is regarding a serious matter which requires significant and immediate attention, the student may directly turn to the Formal Complaints/Appeals Procedure in Clause 7. the College staff are also available to assist students to lodge the relevant documentation for formal complaint/appeal investigations.

**6.3** Complaints and appeals may be made in relation to any of the College services, activities and decisions such as:

- 6.3.1** the selection processes for accepting students;
- 6.3.2** the enrolment, induction and/or orientation process;
- 6.3.3** the quality of training and assessment provided;
- 6.3.4** attendance, assessment, course progress and extending course duration;
- 6.3.5** access to records;
- 6.3.6** decisions made by the College;
- 6.3.7** the way someone has been treated; and
- 6.3.8** other processes.

### **Step 2: Resolution or Escalation of an Informal Complaints/Appeals**

**6.4** When an incident happens, the complainant discusses their complaint/appeal or grievance directly with the concerned party or the appropriate contact party through a direct (e.g., verbally) or an indirect medium (e.g., via email). The relevant party will initially investigate the complaint, identify how the complaint can be resolved and take action to rectify the complaint. Written records of verbal evidence will be kept (if applicable). If the issue is resolved informally and the complainant is satisfied with the outcome, no further escalation is required. If the complaint/appeal or grievance requires further investigation or the desired outcome

cannot be reached through the informal complaint procedure, the complainant may pursue the Formal Complaints Procedure in Clause 7.

## 7. Formal Complaints/Appeals Procedure

### Step 1: Lodgement of Formal Complaint/Appeal

**7.1** In circumstances where the complaint/appeal or grievance of the overseas student is not able to be resolved informally in accordance with Clause 6 of this Policy, the student can elect to submit a formal complaint/appeal, at no cost, by completing the Student Complaints and Appeals Form which can be accessed on the College Website, as follows:

- 7.1.1** The formal complaint/appeal is to be in writing by completing the Student Complaints and Appeals Form which can be accessed on the College Website.
- 7.1.2** When explaining the complaint/appeal in the Student Complaints and Appeals Form, the following details should be clearly indicated:
  - 7.1.2.1** the issue(s) complained about/appealed to;
  - 7.1.2.2** the parties(s) concerned and any support person who the student wishes to accompany them through meetings and investigations;
  - 7.1.2.3** the student's conduct to informally resolve the complaint/appeal in accordance with Clause 6 of this Policy including evidence of contacting relevant parties; and
  - 7.1.2.4** outcome(s) sought as a result of the complaint/appeal.

### Step 2: Investigation and Handling of Formal Complaint/Appeal

**7.2** Once the formal complaint/appeal is lodged, the College will issue a written notice within ten (10) working days of receiving the formal complaint/appeal, informing the student of the commencement of the assessment of the complaint or appeal. This action may include, but is not limited to:

- 7.2.1** reviewing assessment or other academic records;
- 7.2.2** undertaking informal enquiries with relevant parties in writing, over the phone or face-to-face;
- 7.2.3** undertaking a formal investigation;
- 7.2.4** rectifying the issue complained of/appealed to;
- 7.2.5** requesting additional information from the student
- 7.2.6** rejecting to take any additional action in relation to the complaint or appeal
- 7.2.7** rejecting the complaint as unsubstantiated, trivial or vexatious, in which no further action will be taken in relation to the complaint



### Step 3: Arranging a Meeting with the Student

- 7.4** To ensure all factors and contributors have been taken into full account when formulating the outcome of the final decision regarding a complaint/appeal, the College may arrange a meeting between the student, any allocated Support Person of the student and the College if applicable to discuss the details of the investigation in order to attempt to reach a decision.

### Step 4: Decision

- 7.5** The College is responsible for issuing a written decision which will be provided to the student through their student email, outlining the outcome of the formal complaint/appeal, and a detailed justification of the final decision.
- 7.6** A record of the complaint and decision provided to the student will be maintained by the College to allow all parties to the complaint appropriate access to the records if required.
- 7.7** Complaints and appeals will be reviewed by management to identify root causes of the complaint or appeal and to identify any areas requiring improvement (corrective and preventative action) to prevent similar recurrences in the future.
- 7.8** If the appeal is successful, the Compliance Manager will be responsible for implementing the proposed plan/outcome/rectification as soon as practicable.

### Additional Information for Appeals:

- 7.9** Student internal appeals will only be heard under the following grounds of appeal:
- 7.9.1** relevant new evidence becomes available in relation to the complaint;
  - 7.9.2** as the formal complaint decision was made without due consideration of relevant facts, evidence or circumstances;
  - 7.9.3** as there was bias, prejudice or conflict of interest exhibited by the investigative or hearing body; and/or
  - 7.9.4** policy and procedure either does not cover the details of the case or has not been applied properly.
- 7.10** Students may not appeal against academic results based on:
- 7.10.1** the subject structure and assessment methods;
  - 7.10.2** student workload or the amount of work the student has completed;
  - 7.10.3** financial implications of not passing the unit;
  - 7.10.4** grades received by the student in other units; and/or
  - 7.10.5** the need for additional marks to enable a pass/better grade.

## 8. External Complaints/Appeals Procedure

Prior to submitting an external complaints/appeal, it must be recognised that the purpose of the external appeals procedure is to consider whether the registered provider has followed its policies and procedures, rather than make a decision in place of the institution.

### 8.1 Lodging an External Appeal

After following Clause 7 of this Policy, if the conditions where the complaint/appeal or grievance of the student is not able to be resolved through the formal complaints/appeals procedure, the student can appeal the decision externally within 10 (ten) working days, at no cost.

### 8.2 Implementation

After the decision or recommendation is made, the College will advise the relevant parties and implement the outcome as soon as practicable.

### 8.3 External Complaints and Appeals Body

- 8.3.1** If the student is holding a student visa, the student can submit an external complaint/appeal with the Overseas Student Ombudsman. The college will provide the students with the contact details of Overseas Student Ombudsman.
- 8.3.2** If the student is not holding a student visa, the student can submit an external complaint/appeal with independent mediation services. The contact details of the independent mediation services may be provided at students' requests.