

COMPLAINTS AND APPEALS POLICY & PROCEDURE

Policy Code: CAP - 001

Version: 1.0

Effective Date: 2nd April 2018

PURPOSE

This policy sets out the considerations that must be taken into account when managing student complaints and appeals to ensure that the concern raised is addressed using the appropriate channels to facilitate an equitable, confidential and prompt resolution.

ACOAE ensures that all students have a fair, inexpensive complaints and appeals process that includes access to an independent external body if necessary.

International students should also read the specific information on the complaints and appeals process and how it impacts your visa conditions further on the International Students page on the website.

COMPLAINTS, GRIEVANCES AND APPEALS PROCEDURE

ACOAE acknowledges that students from time to time may need assistance with their study program or have other concerns.

The initial step in any complaint or grievance is to discuss and attempt to resolve the issue with the relevant staff/person(s) involved. If this has been done and the matter is still not resolved or if it is inappropriate to discuss the issues with the person involved then the 'Internal Appeal' process will apply.

Internal Appeal

If the grievance cannot be solved informally or is considered serious in nature, the following steps must be taken by way of an internal appeal:

1. Complaints or grievance should be submitted in writing within 20 days of the occurrence or incident taking place e.g. appealing an assessment result should occur 20 days after the result being

given to the student. ACOAE will only review complaints or grievances raised after this 20 day period in exceptional or compelling circumstances.

2. The complaint/grievance must be submitted in writing. It must not be anonymous. It must be delivered to the relevant student advisor team. Students have access to a formal Complaints and Grievance Form available on the website or from a Student Advisor.

3. After submission ACOAE will acknowledge receipt and contact the student of any status of the complaint or grievance within 10 days of receiving the written complaint/grievance.

4. If required, relevant staff will be informed and given the opportunity to address the complaint/grievance through discussion and negotiation. A written statement by staff may be submitted if required.

5. Appropriate outcomes will be determined by senior staff of ACOAE in consultation with relevant staff and the student. These outcomes will then be implemented.

6. If necessary, consultation with independent external agencies regarding issues raised will occur and necessary actions to resolving the issues will be taken.

7. In the event of serious breaches to policy, practice or professional conduct, either party, being ACOAE or the affected student/client, may wish to seek legal advice at either party's own expense.

8. All information gathered during the complaints/grievance processes will be used to review the complaints / grievance policy and procedure where necessary.

9. The student will be given a written statement on the outcome, including reasons for the outcome.

This will be stored on student's record.

10. Any party may be accompanied and assisted by a support person at relevant meetings.

EXTERNAL APPEALS

If the student feels that the internal appeal is not adequately resolved, they will be provided with an opportunity to formally present their case to a third-party mediator. www.resolution.institute

Whereby a situation requires external counselling or mediation or judgement, then the student and ACOAE must both agree in writing on who this third-party mediator will be, which will ensure fairness and independence. This third party will make the final judgement that will be binding to both ACOAE and student.

Some examples of suitable mediators ACOAE can provide to students include:

- Department of Fair Trading – for issues involving monies, service or product agreements.
- Industry Associations e.g. ATMS – for judgement on course content and learning outcomes.

In the case where there may be direct costs associated to the third-party mediator e.g. an external counsellor may charge an hourly fee rate to mediate, then the costs of this mediation process will be shared equally by both ACOAE and the student.

CORRESPONDENCE TO BE IN WRITING

Any initial complaint, grievances or appeal needs to be lodged in writing.

All formal correspondence in the matter between both ACOAE and the students will be continued to be made in writing for record keeping purposes and clarity.

RECORDS OF COMPLAINTS, GRIEVANCES AND APPEALS

ACOAE maintains full records of all complaints and appeals and their outcomes.

This information can be stored as notes on the students file, written correspondence between ACOAE and the students or other documentation as necessary.

ACOAE ensures that privacy and confidentiality will be respected throughout the complaint handling process for all parties concerned.

PURPOSE

During all stages of the Complaints and Appeals Process, the College will take all steps necessary to ensure that the Claimant and Respondent will not suffer any disadvantage, victimisation or discrimination as a result of raising a complaint or appeal.

An explanation in writing for decisions and actions taken at any stage of the process will be provided if requested by the Claimant or the Respondent.

Appropriate confidentiality will be maintained and where possible disclosure of complaint and appeal information will be limited to those who are legitimately involved in the process of resolving the complaint or appeal.

This policy does not replace or modify policies or any other responsibilities that may arise under other College policies or under statute or natural justice. This policy, and the availability of complaints and appeals processes, does not remove the right of the student to pursue other legal courses of action.

Feedback from students about academic services and courses offered by the College is encouraged and would not normally be viewed as a complaint, unless specific action is requested in the form of a concern raised. The feedback should be submitted through the Quality Feedback Monitor (QFM - available on Axcelerate/student portal).

All feedback submitted via the QFM receives an initial response within three (3) working days.

If a student feels that they have experienced unfair or unreasonable treatment, disadvantage or distress and wish to pursue a complaint in a more formal manner. Feedback submitted via the Quality Feedback Monitor can be considered Stage 1 of the complaints and appeals process known as the Informal Resolution Process (see below).

This policy also covers students who have ceased their enrolment with the College. Issues from such students can be considered under this policy for a period of up to 12 months after enrolment has ceased. A complaint or appeal submitted under these circumstances must not be a previous complaint or appeal that has been considered resolved but a new complaint or appeal with new

facts that may have come to light during this time. A previous complaint or appeal cannot be re-instigated after the student's enrolment with the College has ceased.

Negotiated solutions will aim to address the key issues and be acceptable to all individuals or parties involved without ascribing blame, victimisation or discrimination.

If the complaint is not resolved through informal procedures, students may initiate a *Formal Complaints and Appeals Process*.

There is no cost to the Claimant for utilising the College's internal or external complaints and appeals procedure.

Stages of Complaints and Appeals Implementation

The following steps identify the four key stages through which a complaint or appeal may be dealt with.

The College provides the following steps to allow the complaint or appeal to be formalised. The Claimant's privacy rights will be assured while ensuring that victimisation and discrimination does not occur at any time during the following stages.

The Claimant has the right to be heard on the matter of the complaint or appeal at any stage and may be accompanied by a nominated support person or third party of their choice when meeting with the College to discuss their particular concern.

The four stages of the Complaints and Appeals Process are fully detailed in the related

Complaints and Appeals Procedure – International.

Stage 1 – Informal Resolution Process

Claimants are encouraged to attempt to resolve the complaint informally and amicably at an early stage. This can be done through speaking directly with a member of Student Services or Academic staff or logde online via the website.

Stage 2 – Formal Resolution Process

The formal complaints and appeals procedure begins when a current, former (up to 12 months previously) or prospective student states in writing that they have a complaint using the formal complaints and appeals paperwork, and submits it directly to the College Manager and Student Services via student administration. The College Director, Student Services & Retention will acknowledge receipt of the complaint within five (5) working days. Separate procedures apply to academic and non-academic complaints. It is important to note that formal complaints respect the right and the privacy of the individual and all formal complaints MUST be lodged individually. Each student's circumstances are different and as such will be reviewed with the best interests of the individual in mind.

Stage 3 - Appealing the Original Decision

If the Claimant is dissatisfied with the outcome of their complaint, they may lodge an appeal detailing the reasons for the appeal to the College Manager within 20 working days of being informed of the decision. The College Manager and Student Services is responsible for reviewing appeals relating to formal complaints and convening the Complaints and Decision Review Committee based on the appeal documentation. The Committee membership includes external members of the College's governing bodies, internal staff and a student representative. The Committee will meet to consider the appeal and may interview the complainant or other stakeholders in the course of its considerations. The College will maintain the student's enrolment while the internal and/or external appeals process is ongoing. The process will begin within 10 working days of the formal written lodgment of the appeal. All reasonable measures to finalise the appeal as soon as possible will be taken. A written statement outlining the outcome of the appeal will be provided to the student within 15 working days of the Committee meeting, including reasons for the decision.

Stage 4 - External Independent Review

If the Claimant is dissatisfied with the outcome of an internal appeal, they may make a written request to the College Manager for an independent external review of the decision (see Part B and C of this policy).

Continuous Improvement

Any improvement action arising from a student complaint or appeal will be recorded in accordance with the College's Continuous Improvement Process.

PART B

Note: This section only applies to student visa holders

External Independent Review

If the student is studying in Australia on a **student visa**, the Overseas Students Ombudsman will provide the external complaints and appeals mechanism. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students Ombudsman website (www.oso.gov.au) or phone 1300 263 072 for more information.

Outcome of Complaints and Appeals Process

Should the outcome of the complaints and appeals process be in favour of the College, the College will notify the Department of Immigration and Border Protection (DIBP) at the conclusion of the process of any relevant changes to the student's enrolment through the Provider Registration and International Students Management System (PRISMS) (if the student is studying in Australia on a **student visa**). This notification will only occur after timeframes for the next step in the process have expired or at the completion of Stage 4 of the process.

If the complaints and appeals process results in a decision that supports the student, the College will immediately implement any decision and/or corrective or preventative action and advise the student of the outcome.

All outcomes will be communicated to students in writing.

PART C

Note: This section only applies to students who are NOT studying on a student visa

External Independent Review

If the student is studying in Australia on another visa and wishes to lodge an external appeal or complaint against the outcome of the internal appeal process, they may contact the Administrative Appeals Tribunal (AAT) for an independent review. The AAT deals with complaints whereby an organisation *fails to follow its own complaints and or appeals policies and procedures*. If you believe that this has occurred please contact the AAT for further information who will review the procedure followed by the provider. Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au.

Outcome of Complaints and Appeals Process

Should the outcome of the complaints and appeals process be in favour of the College, the College will implement any necessary action immediately. If the complaints and appeals process results in a decision that supports the student, the College will immediately implement any decision and/or corrective or preventative action. All outcomes will be communicated to students in writing.

DEFINITIONS

DIBP – Department of Immigration and Border Protection

PRISMS – Provider Registration and International Students Management System. A secure computer system that contains details of all education institutions, their courses and every student studying in Australia on a student visa.

ESOS – Education Services for Overseas Students. A legislative framework, administered by the Australian Government, addressing the responsibility of education institutions towards overseas students.

Academic complaint – a complaint about student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course.

Appeal - An application to a higher authority for a decision to be reversed.

Claimant – refers to the person who formally instigates a complaint or appeal.

Complaint – A statement that a situation is unsatisfactory. Formal complaint – refers to the formal lodging of a written complaint or appeal.

Informal complaint – refers to a range of processes, such as discussion, a request or query lodged with an appropriate staff member.

Natural justice – Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.

Non-academic complaint – a complaint about operational or administrative matters within the College, unfair treatment, abusive behaviours, concerns about facilities, environment and safety.

Respondent – refers to the person or institution against whom the complaint is lodged.

Student – is an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

Support Person – the student is entitled to be supported by another person, being willing to support, whom the student appoints to assist at any stage of the process

FURTHER INFORMATION

Related Procedures: Complaints and Appeals Procedure – International

Related Policies:

- Student Code of Conduct
- Student Misconduct Policy

Benchmarking:

- Internal partners

Supporting Research and Analysis:

Not Applicable

Related Documents: Not Applicable

Related Legislation:

- The Education Services for Overseas Students (ESOS) Act 2000
- National Code of Practice 2007
- Education Services for Overseas Students (ESOS) Regulations 2001
- National Vocational Education and Training Regulator Act 2011

Policy Author:	College Manager
Policy Owner:	College Manager, Student Services
Contact:	College Manager, Student Services
Approval Bodies:	College Manager, Student Services
Policy Status:	Current
Responsibilities for Implementation:	<ul style="list-style-type: none"> • Compliance Manager, College Manager • Student services • Training Delivery Manager
Key Stakeholders:	<ul style="list-style-type: none"> • College Manager, Student Services • Student Services team • International Students