

COMPLAINTS AND APPEALS POLICY AND PROCEDURE

1. Purpose

This document specifies the complaints and appeals policy and procedure of Allman College (the College). It sets out guidance for staff and students regarding student complaints and appeals relating to both academic and non-academic matters.

Definitions

Complaint. A complaint is an expression of dissatisfaction about an act, omission, decision, or a service provided by Allman College. It can be made by a student, staff member or a third party that provides services on behalf of the College.

Complainant. The person making the complaint

Appellant: The person making the appeal concerning a decision

Appeal is to apply for a review of decisions, including assessment decisions, made by the College, staff member or a third-party providing services on the College's behalf (if applicable).

Academic Matters refer to all matters directly related to study activities such as training, attendance, assessment, progress, course content, facilities, curriculum, trainers, assessors, course materials or course documents such as learning materials, transcripts, or qualifications.

Non-academic Matters refer to all matters not directly related to training and assessment activities such as the enrolment process, payment of fees or other financial matters, contractual matters including withdrawals and refunds, interpersonal matters when interacting with other students or College staff or stakeholders, student services matters, data management and its privacy and all other matters.

2. Policy Statement

The College is committed ensuring its students have the right to natural justice protected through access to professional, timely, inexpensive and documented complaints handling and appeals processes, which are publicly available.

This policy applies to and may involve issues concerning the conduct of:

- The College as an organisation, its trainers, assessors or other staff
- Third party's services provided on the behalf of the College, including education agents, or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services
- Its trainers, assessors or other staff; or
- A student at the College.

The College's internal Complaints and Appeals Policy and Procedures provide:

- a process for overseas students to lodge a formal complaint or appeal if a matter cannot be resolved informally;
- a process to respond to any complaint or appeal a student makes about the College or any agent or related party the College engages;
- a process to begin assessing a complaint or appeal within 10 working days of the student lodging it and finalising the outcome as soon as practicable;
- a procedure to conduct the assessment of the complaint or appeal in a professional, fair and transparent manner;
- the opportunity for the student to present their case at minimal or no cost and be accompanied and assisted by a support person if necessary;
- the student with a written statement of the outcome of the complaint or appeal, including the reasons for the outcome, and keeps a written record of complaints or appeals on the student's file.
- For the College to maintain the student's enrolment during the process

As part of the continuous improvement practices of the College, all complaints are analysed for the causes/issues and corrective and preventative actions are recorded in the Complaints Register and in the Continuous Improvement Register for appropriate action.

If the student is not successful in the College's internal complaints handling and appeals process, the College must advise the overseas student of their right to access an external complaints handling and appeals process at minimal or no cost. This advice must be given to the student within 10 working days of the completion of the internal review. Details below.

In most cases the purpose of the external appeals process is to consider whether the College has followed its own policies and procedures, rather than make a decision in place of the institution.

When an external appeals process has been completed, the registered provider must immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process and notify the overseas student of the outcome.

3. Responsibility

- **CEO** is responsible for approving complaints and administrative appeals
- **Academic Manager** is responsible for academic complaints and appeals
- **Administration Manager** is responsible for non-academic complaints and appeals and the implementation of this procedure, to maintain records as per this policy and to ensure that all staff with responsibility are aware of and implement this policy
- **All staff** must be aware of and implement this policy

4. Requirements

This policy and procedure is based on Standard for RTOs Standard 6 and Standard 10 of the National Code of Practice 2018, which states the registered providers must:

- have and implement a documented internal complaints handling and appeals policy

and process;

- advise a student within 10 working days of their right to access an external appeals process and provide contact details, if the student is not satisfied with the outcome of the internal complaints and appeals process; and
- immediately implement any decision or recommendation in favour of the overseas student through the internal or external appeals process

To be compliant with Standard 6 the College must:

- a. have a complaints policy to manage and respond to allegations involving the conduct of the RTO, its trainers, assessors or other staff; a learner or a third party providing services on its behalf
- b. have an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the College or a third party provider
- c. have a complaints and appeals policy that:
 - ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
 - are publicly available;
 - set out the procedure for making a complaint or requesting an appeal;
 - ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
 - provide for review by an appropriate party independent of Allman College and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
- d. Advise and regularly update the complainant or appellant in writing where more than 60 calendar days are likely required to process and finalise the complaint or appeal, including reasons why more than 60 calendar days are required
- e. securely maintains records of all complaints and appeals and their outcomes
- f. identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

5. Scope

This policy applies to all College staff, including contractors and students.

6. Procedure

Complaints overview

Students are entitled to make a complaint about their learning experience at any time should the need arise. A complaint can be about any aspect of the College's operations and includes issues regarding the conduct of:

- a) The College, its trainers, assessors, or other staff,
- b) A third-party providing services on the College's behalf, its trainers, assessors, education agents or other staff, OR
- c) A student of the College.

The College encourages students to attempt to resolve their grievances informally prior to submitting a formal complaint.

Complaints may be submitted by completing the Complaints Forms available on the website or from reception.

The College will ensure the complaints processes will begin within 10 working days of receiving the formal written lodgement of the complaint.

External Complaints Procedure

Students are also entitled to access the external complaints process at minimal or no cost if not satisfied with the result or conduct of the internal complaint handling and appeals process. Students can lodge an external complaint about the College to the Overseas Student Ombudsman (OSO).

The Overseas Student Ombudsman (OSO)

International students may complain to the OSO if their complaint is in relation to the College:

- denying them enrolment in a course
- course fees and refunds
- course or provider transfers
- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by the College
- incorrect advice given by an education agent.

The OSO may not be able to investigate a student complaint if they have not already exhausted the College's formal internal complaints process.

This is a free service.

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students#quality-of-education-provider>

OSO contact details are as follows:

- In Australia call: 1300 362 072
- Outside Australia, call +61 2 6276 0111

Complainants may also complain to the regulator, Australian Skills Quality Authority (ASQA). However, it should be noted that ASQA is not a consumer protection agency and cannot act as an advocate for individual students.

Please refer to the relevant webpage below before making a complaint to ASQA:

<https://www.asqa.gov.au/complaints>

Internal Informal Complaint Procedure

Students should initially attempt to resolve a complaint through an informal process directly with the person involved. This aims to resolve the complaint as quickly and as close to the source of complaint as possible.

If an attempt to resolve a complaint informally with the person involved is unsuccessful or the student is dissatisfied with the outcome, the student is encouraged to request a meeting with a member of the Management Team to discuss the matter.

The member of the Management Team will attempt to resolve the complaint informally at the meeting. If required, the member of the Management Team will commit to investigating the matter and arrange a follow up meeting with the student to discuss the outcome of the investigation and offer a solution if necessary.

Internal Formal Complaint Procedure

If the attempt to resolve the complaint informally with the assistance of the member of the Management Team is unsuccessful or the student is dissatisfied with the outcome, the student is invited to lodge a formal complaint using the Complaints form available on the website or from reception.

After the student has lodged a complaint, they will receive an email confirming that the College has received the complaint.

Once a complaint form has been lodged (with any relevant supporting material), the formal complaints process will commence within 10 working days from the day it was lodged.

A member of the College administration team records the complaint in the student's file and on the College Complaints Register.

A member of the Management Team will contact the student to arrange a formal meeting regarding the complaint. The student will have the opportunity to formally present their case to the appropriate member of the Management Team. There is no cost to the student for this process.

Only a member of the Management Team may deal with a formal internal complaint assuming they are not the subject of the complaint.

If no members of the Management Team are eligible to address the complaint, the complaint will be directed to an external body for review at no cost to the student.

During the meeting, the student may be accompanied and assisted by a support person. This applies to any additional meetings involving the complaint.

The designated member of the Management Team will aim to resolve the complaint within 10 working days from the commencement of the formal complaint progress unless all parties

agree in writing to extend this time.

Within 5 working days of the conclusion of the internal complaints handling process, the College will inform the student in writing of the outcome of the complaint, including associated reasons for the outcome, and of their right to an internal appeal should they not be satisfied with the result or conduct of the internal complaint handling process.

A record of the outcome, including reasons for the outcome, will be retained in the student's file.

If any matter arising from the formal complaint indicates a systemic College issue, the CEO will be informed in writing so the matter can be used to inform the continuous improvement activities of the College and discussed at the monthly management meeting.

If the student does not elect to access the College's internal appeals process, the College will implement the complaint outcome (as conveyed to the student) and undertake any continuous improvement activities arising from the complaint.

If the student does elect to access the College's internal appeals process, they must submit their appeal by completing the Appeals Form available on the website or from reception. A student must submit their application for an internal appeal within 20 working days of receiving the complaint outcome. Applications received after this time will not be processed.

Once a valid and completed internal appeals form is received from a student, the appeals process is commenced.

Where the College considers more than 60 calendar days are required to process and finalise the complaint or appeal, the College will:

- a) Inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
- b) Regularly update the complainant or appellant on the progress of the matter.

The College securely maintains records of all complaints and appeals and their outcomes, and identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

External Complaint Procedure

Students who are not satisfied with the result or conduct of the internal complaints handling process can lodge an external complaint about the College with ASQA and/or Overseas Student Ombudsman (OSO). See details above.

Appeals overview

The College has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the College or a third-party providing services on the College's behalf (if applicable).

Students are entitled to appeal assessment outcomes, complaints handling outcomes and general decisions if they feel they are unjust for up to 20 working days after they have been informed of the decision.

The College encourages students to attempt to resolve their grievances informally prior to submitting a formal internal appeal.

Internal appeals may be submitted by completing the Appeals Form available on the website or from reception.

The College will ensure the internal appeals processes will begin within 10 working days of receiving the formal written lodgement of the internal appeal.

The College will ensure that the internal appeal decision maker is independent of the decision being reviewed. The student's enrolment will continue throughout this process.

Students are also entitled to access an external appeals process at minimal or no cost if not satisfied with the result or conduct of the internal complaint handling and appeals process.

The external independent third party will manage the external appeals process through to completion. The College will not take any further action until the external appeals process has been completed.

Internal Appeal Procedure

Students who are not satisfied with the result of a complaint or the conduct of the complaint handling process, or an assessment or general college decision, are able to appeal the decision.

Prior to lodging a formal internal appeal, the student is encouraged to request a meeting with a member of the Management Team to discuss the matter.

The member of the Management Team will attempt to resolve the appeal informally at the meeting.

If the attempt to resolve the appeal informally with the assistance of the member of the College Management Team is unsuccessful, or the student is dissatisfied with the outcome, the student is invited to lodge a formal internal appeal using the Appeal Form.

If the student lodges an appeal, they will receive an email confirming that the College has

received the appeal request.

Once an appeal form has been lodged (with any relevant supporting material), the formal internal appeals process will commence within 10 working days from the day it was lodged.

A member of the college administration team records the appeal in the student's file and on the College Appeals Register.

A member of the Management Team, one that was not involved in the complaint management stage or the owner of the general decision the student wishes to appeal, will contact the student and provide them with an opportunity to submit additional information relevant to the original complaint. A meeting may also be arranged to discuss matters further. There is no cost to the student for this process.

Only a member of the Management Team may deal with a formal internal appeal assuming they did not make the decision that led to the appeal.

If no members of the Management Team are eligible to address the internal appeal, the appeal will be directed to an external body for review at no cost to the student.

The Resolution Institute, the national association of dispute resolvers, is an appropriate third party. Head Office details as follows:

Address: Level 1, 13 Bridge Street Sydney NSW

Phone: (+61 2) 9251 3366

Free call: 1800 651 650

Email: infoaus@resolution.institute

Website: <https://www.resolution.institute>

If a meeting is scheduled, the student may be accompanied and assisted by a support person. This applies to any additional meetings involving the internal appeal.

The College will aim to resolve the appeal within 10 working days from the commencement of the formal internal appeal process unless all parties agree in writing to extend this time.

Within 5 working days of the conclusion of the internal appeal handling process, the College will inform the student in writing of the outcome of the appeal, including associated reasons for the outcome, and of their right to an external appeal should they not be satisfied with the result or conduct of the internal appeal handling process.

A record of the outcome, including reasons for the outcome, will be retained in the student's file.

If any matter arising from the internal appeal indicates a systemic College issue, the CEO will be informed in writing so the matter can be used to inform the continuous improvement activities of the College.

If the student elects to access the external appeals process, they must inform the College in writing within 5 working days of being informed of the outcome of the internal appeal so that the student's enrolment may be maintained until the process is concluded.

A record of the appeal is recorded in the student's file.

External Appeal Procedure

Students that are dissatisfied with an outcome of an internal appeal, are invited to lodge a formal request for an external appeal using the External Appeals Form.

If the student lodges a request for an external appeal using this form, they will receive an email confirming that the College has received the external appeal request.

The external independent third party will manage the external appeal process through to completion and the College will abide by its decision.

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The College must maintain the student's enrolment until the external appeal process is complete.

Following the receipt of the outcome of the external appeal by the independent third party, the College will immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student's file, and undertake any continuous improvement actions arising from the decision.

Nothing in this policy and procedure inhibits a student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.

The College must only report an overseas student for unsatisfactory course progress or attendance in PRISMS after:

- the internal and external complaints processes have been completed and the breach has been upheld;
- the overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period;
- the overseas student has chosen not to access the external complaints and appeals process; or
- the overseas student withdraws from the internal or external appeals process, by notifying the registered provider in writing.

7. Policy Implementation

This policy will be made available to all staff members and stakeholders through the internal communication channels, the website and Student Handbook. Students will also be advised of this policy and procedure at Orientation.

8. Review

This Policy and Procedure will undergo an annual review, or sooner if required, to ensure it remains relevant and effective in guiding the operations and strategies or as needed to reflect any changes in the regulatory environment or operational practices.

Feedback will be collated and analysed and discussed at the monthly management meetings, for noting or action with any necessary changes documented in a Continuous Improvement Form and in the Continuous Improvement Register.