

Complaints and Appeals Handling Policy and Procedure

Scope

This policy is applicable to Australian College, as a Registered Training Organisation.

This policy applies to:

- All current students who have accepted Australian College Terms and Conditions of Enrolment
- Prospective students who have had some interactions with Australian College and former students who have been enrolled with Australian College (within 12 months from the date they ceased to be enrolled with the College).
- All Australian College staff and contractors involved in the provision of education and training products and services for students.
- All staff members involved in the management of grievances, complaints and appeals process.

This policy is to be used in the management of grievances, complaints and appeals relating to all aspects of a student's educational experience and learning environment at the Australian College.

Purpose

The purpose of this policy is to provide:

- A framework for managing grievances, complaints and appeals.
- A process for the investigation of grievances, complaints and appeals.
- A fair, equitable and confidential means of resolving grievances, complaints and appeals.

Policy Statement

Australian College is committed to compliance with applicable Standards for Registered Training Organisations (RTO's) 2015, Clauses 2.2b, 5.2d(i), 6.1-6.5.

Definitions

The following terms and definitions are applicable to this policy.

A **grievance** is defined as a "cause for complaint, especially of unjust treatment". Common sense should be used before expressing a grievance. The fact of not passing a course or a particular assessment is not itself a grievance, there must be an element of unfairness involved. For example, if a student has been unfairly assessed as 'Not Yet Competent', and the assessor will not reconsider and correct this, then the student may have a grievance.

Grievances usually fall into two categories:

- Minor issues that are suitable to be addressed informally and usually resolved easily by having a discussion with a staff member to clarify a misunderstanding.
- Major issues involving a formal process for resolution – such grievances are known as a 'complaint' or a 'formal complaint' to distinguish them from matters that are resolved informally.

A **complaint** is an expression of dissatisfaction by a student or person, as outlined in the scope of this policy (hereafter referenced to as the complainant) about an issue related to Australian College which requires review, investigation or action. All students are entitled to access the complaints process. Activities which may give rise to academic and/or non-academic complaints covered by this policy are listed below:

- Qualification (content or structure).
- Course unit/subject enrolment, delivery, assessment, learning environment (online), outcome, access to resources.
- Student services and their processes (including contractor [trainer/assessor] or employee conduct).



- Individuals who believe that they have been treated unfairly on the grounds of access and equity.
- Occupational health and safety concerns related to unit/subject delivery and/or assessment.
- Administrative action/inaction, procedure or decision.

An **appeal** is a process whereby a student or a person disputes a decision made by Australian College following a formal complaint.

Complainant – is the person making a formal complaint.

Appellant – is the person seeking an appeal of the decision following a formal complaint.

Respondent – is the education provider, Australian College.

Under 18 Point of Contact – is the team that manages all contact with students under the age of 18 years and their parents/legal guardians.

Academic complaints include, but are not limited to:

- Academic staff members
- Assessment
- Course content
- Participation
- Qualification outcome
- Quality of course delivery
- Student academic progress

Non-academic complaints include, but are not limited to:

- Enrolment
- Payment of fees and charges
- Australian College policies and procedures
- Student support services
- Administration staff members
- Racial/sexual harassment and/or discrimination
- Access to resources

Policy Principles

These principles are adhered to by Australian College and apply to all stages of the complaints and/or appeals handling process.

- Australian College handles all complaints in a fair, equitable, constructive and timely manner, following the principles of natural justice and due process. Before Australian College makes any decision regarding the complaint and/or appeal, the Complainant/Appellant and Respondent have the opportunity to present their case.
- Complaints should be made as soon as reasonably practicable after the incident occurring.
- A formal complaint may be submitted at any point, in writing, either via a complaint form on Australian College website, or other written format that clearly identifies the matter as a complaint to resolution@australiancollege.edu.au
- Assessment appeals must be made within thirty (30) calendar days of the original assessment decision. Assessment appeals must be submitted, in writing, to: appeals@australiancollege.edu.au
- Members of Australian College management participate in the complaints and/or appeals resolution process, as outlined in the procedures.
- All parties to the complaint/appeal may have a support person of their choice present at meetings conducted to resolve the issue. The support person may observe but not participate in any discussion relating to the complaint.
- Where the complaint relates to an assessment appeal, an assessor who is independent of the original decision will review the original submission. The outcome of this review will be the result granted for the



assessment task. The Complainant or Appellant is advised in writing of the outcome of the process and the reasons for the findings made.

- Australian College retains written records of discussions relating to complaints and appeals.
- The Complainant/Appellant is provided with a written explanation for any decisions or actions taken in response to the complaint and/or appeal.
- Records of all complaints and appeals are retained for a minimum period of two (2) years. These records are kept strictly confidential and stored electronically by Australian College. The Complainant and/or Appellant may request access to these records by emailing their request to admin@australiancollege.edu.au
- A Complainant can appeal the outcome of their complaint.
- No Student, staff member, contractor or other stakeholder is disadvantaged in any way during the complaint and resolution process.
- A Student's progress through their course is not disrupted during the complaint/appeal resolution process unless the nature of the complaint itself makes further progress impracticable.
- The availability of this complaints and appeals process does not remove the right of the student to take action under the Australian Consumer Protection Laws if Australian Consumer Law applies, nor does it prevent an individual from pursuing other legal remedies.

Procedures

If a grievance is not able to be resolved informally and the Complainant wishes to escalate their grievance, or if the Complainant wishes to submit a formal complaint in the first instance, they are advised to access the *Complaints and Appeals Form* available on Australian College website and complete it providing as much detail as possible and email it to resolution@australiancollege.edu.au together with all supporting evidence.

On receipt of a formal complaint:

- The RTO Manager reviews all formal complaints upon receipt and determines:
 - the nature of the complaint;
 - any other parties to the complaint;
 - the outcome the Complainant is seeking;
 - the cause of the issue that gave rise to the complaint – this may require investigation or consultation with other parties;
 - any actions required to prevent the issue from reoccurring.
- Australian College acknowledges a formal complaint or appeal in writing, within three (3) business days of receipt.
- The investigations and resolution process will commence within 10 business days of receipt of the written complaint or appeal.
- Resolution of complaints and appeals are finalised as soon as practicable, or at least within 60 calendar days, unless there is significant valid reason for the resolution to take longer.
- For complaint resolutions that require additional time, the Complainant or Appellant is advised in writing of the reasons and will be updated regularly on the progress of the matter until such time that the matter is resolved.
- If the Complainant remains unsatisfied with the outcome of the complaints resolution process, they may request an appeal.
- Where an appeal of the outcome of a complaint is requested, the appeal is referred to the Chief Executive Officer (CEO) for review and determination. The Chief Executive Officer may request additional information, before making a determination.
- The Complainant will be advised within 10 business days as to whether the initial complaint outcome is upheld or a different resolution is proposed.

External Complaint Options

Where the formal complaints process fails to resolve the complaint, the Complainant or Appellant may choose to escalate the complaint/appeal to the following external agencies:

National Training Complaints Hotline:

The National Training Complaints Hotline is a national service that refers consumer complaints regarding vocational education and training to the appropriate agency/authority/jurisdiction for assistance with their complaint.

Website: <https://www.dewr.gov.au/national-training-complaints-hotline>
Phone: 13 38 73, Monday to Friday, 8.00am to 6.00pm nationally

Please note, the Hotline is unable to investigate complaints or advocate on a Student's behalf. Prior to lodging a complaint with the Hotline, it is important that the Complainant/Appellant follows Australian College internal complaints and appeals process, as described above.

Australian Skills Quality Authority (ASQA):

Complainants may also refer their complaints further to Australian College's registering body, the Australian Skills Quality Authority (ASQA):

ASQA can investigate complaints about Australian College regarding:

- the quality of training and assessment
- marketing and advertising practices

Website: <https://www.asqa.gov.au/students/complaints>
Contact: <https://www.asqa.gov.au/about/contact-us>

ASQA may not investigate a complaint if evidence is not provided that our formal internal complaints and appeals process as described above, has been followed.

Records of Complaints and Appeals

Australian College maintains records of all complaints and appeals, including their outcomes and any rectifications on the *Complaints and Appeals Register*, which is securely stored according to the *Privacy Policy*.

Relevant Legislation

Following laws and legislation apply to this policy:

- NVETR Act 2011
- Standards of RTO's 2015
- Competition and Consumer Act 2010

Related Policies and Forms

- Student Handbook
- Privacy Policy
- Assessment Policy and Procedure
- Fees and Refund Policy and Procedures
- Access and Equity Policy and Procedure
- Academic Conduct Policy and Procedure
- Records Management Policy and Procedure
- Complaints and Appeals Form
- Complaints and Appeals Register

Review

This policy and procedure will be reviewed annually or amended following continuous improvement strategies implemented by the Australian College.



Version Control and Responsible Officers

Responsible Officer:		RTO Manager
Approved by:		Chief Executive Officer
Next review scheduled:		November 2023
Approved and commenced:		November 2022
Version	Authored/Reviewed by	Brief Description of Changes
V2.0	Quality and Compliance Manager	Reviewed and updated 'Scope' and 'Purpose' of the policy, included section on 'Definitions', minor additions to Principles and Procedures. Included relevant legislation and related policies and forms information. Updated with new logo.