

Complaints and Appeals Policy and Procedures

Policy

1. This policy is to support the Standards for Registered Training Organisations (RTOs) 2015 – Standard 6 and Standard 10 of the ESOS National Code 2018, where the College will provide a fair and transparent means of making formal complaints and appealing academic and related decisions is an integral part of all training an assessment provided to students
2. The College has and implements this documented internal complaints handling and appeals process and policy, and provide the overseas and domestic student with comprehensive, free and easily accessible information about that process and policy.
3. The College ensures that complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.
4. This policy will manage and respond to complaints involving the College, its trainers, assessors or other staff, students and third parties providing services on behalf of the College including the third parties' staff.
5. This policy will also manage the requests for reviews of decisions, including assessments decisions made by the College or third party arrangements if applicable.
6. The College's Complaint and Appeals Policy and Procedures:
 - a. ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
 - b. are publicly available
 - c. set out the procedure for making a complaint or requesting an appeal
 - d. ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable
 - e. provide for review by an appropriate party independent of the 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.
7. The College's internal complaints handling and appeals processes must:
 - a. include a process for the student to lodge a formal complaint or appeal if a matter cannot be resolved informally
 - b. include that the College will respond to any complaint or appeal the student makes regarding his or her dealings with the College, the College's education agents or any related party the College has an arrangement with to deliver the student' courses or related services if applicable
 - c. commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the College's complaints handling and appeals policy and process, and finalise the outcome as soon as practicable
 - d. ensure the student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings
 - e. conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
 - f. ensure the student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
 - g. keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.

8. If the student is not successful in the College's internal complaints handling and appeals process, the College must advise the student within 10 working days of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at minimal or no cost. The College must give the overseas student the contact details of the appropriate complaints handling and external appeals body.
9. If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the student, the College must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action.
10. Where the College considers more than 60 calendar days are required to process and finalised the complaint, the College will:
 - a. Inform the complainant in writing as to why more than 60 calendar days are required and
 - b. Regularly update the complainant on the progress of the matter
11. The College:
 - a. securely maintains records of all complaints and appeals and their outcomes
 - b. identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
12. The College also recognises that student complaints can be anonymous. However, to be able to solve complaints in a timely manner, complainants should specify their details.
13. The College has arrangements in place for a person or body independent of and external to the College to hear complaints or appeals arising from the College's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
14. If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the College will advise the student of his or her right to access the external appeals process at no cost.
15. If the student chooses to access the College's Complaint and Appeals processes, the College must maintain the student's enrolment while the complaints and appeals process is ongoing.
16. If the internal or external complaint handling or appeal process results in a decision that supports the student, the College will immediately implement any decision and/ or corrective and preventative action required and advise the student of the outcome.
17. This policy will ensure that if there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action, this will be reported to the College's management meeting, managed and implemented as part of the College's continuous improvement process to take corrective action to eliminate or mitigate the likelihood of reoccurrence. This will all be noted on the College's Continuous Improvement Register.
18. This policy applies to the College's students and staff.
19. The CEO is responsible for implementation of this policy and ensuring that staff, third parties providing services on the College's behalf, and students are made aware of its application and the procedures for complaints and appeals
20. The CEO's delegate, as mentioned in this policy that is also able to sign off all complaints and appeals is the COO/ Director of Studies.

Procedures

Requirements

1. Students who are concerned about the conduct of the College, its trainers, assessors or other staff, students and third parties providing services on behalf of the College are encouraged to attempt to resolve their concerns using this policy and procedures.
2. This policy and procedures will be implemented at no cost to the student.
3. The procedures will commence within 10 working days of the formal lodgement of the complaint or appeal and supporting documentation.
4. All prospective students will be provided with information about the Complaints and Appeals policy and procedures before making an agreement to enrol.
5. All Complaints and Appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties. This includes any anonymous complaints.
6. Students will be provided with details of external authorities they may approach, if required
7. At any stage in the internal Complaints or Appeals process students are entitled to have their own nominee to accompany or represent them. The nominee can be a friend, relative, another student, student union representative, legal adviser, solicitor or any other person according to student's wish. But a nominee cannot be the employee of the College who is involved in the complaint / appeal or person dealing with the complaint/ appeal.
8. Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
9. For internal Complaints and Appeals:
 - The student will have an opportunity to formally present their case, in writing or in person at no cost to the student
 - The Student will need to complete and submit a Complaints and Appeals Application form this is available from the College's website: <https://www.einsteincollege.vic.edu.au/useful-form>
 - The student may be accompanied and assisted by a support person at any relevant meetings.
 - Complaints and requests for Appeals will be acknowledged by the College in writing within 10 working days of receiving a Complaints and Appeals Application Form.
 - At the conclusion of the Complaint or Appeal the student will be given written advice of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed and securely maintained in the student file, as well as registered on the College's Complaints/Appeals spreadsheet.
 - The College will aim to identify causes of complaints and appeals and take corrective action to eliminate or mitigate the likelihood of these reoccurring
10. For International students, the following matters must be lodged as formal internal appeals within 20 working days of notification of an intention to report the student to the ESOS Agency and Department of Home Affairs in order to be considered by the College:
 - Deferral of commencement, suspension or cancelling a student enrolment
 - Unsatisfactory course progress
 - Unsatisfactory attendance
11. A student's enrolment must be maintained whilst a Complaint or Appeal is in progress and the outcome has not been determined except in cases where the College is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment.

12. For International students: in cases where the College is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment the College only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the ESOS Agency and Department of Home Affairs through PRISMS of the change to the student's enrolment.
13. Extenuating circumstances' relating to the welfare of the student must be supported by appropriate evidence and may include, but are not limited to the student:
 - having medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
 - having engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
 - being at risk of committing a criminal offence.
14. If the internal or external complaint handling or appeal process results in a decision that supports the student, the College will immediately implement any decision and/ or corrective and preventative action required and advise the student of the outcome.
15. The College will encourage the student to approach a Complaint or Appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, the College acknowledges the need for an appropriate external and independent agent to review the process implemented by the College.
16. If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported to the College's management meeting, managed and implemented as part of the College's continuous improvement process to take corrective action to eliminate or mitigate the likelihood of reoccurrence.
17. Nothing in the procedures inhibits student's rights to pursue other legal remedies to be reviewed by an appropriate party independent of the College. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to:-
 - Contact a solicitor; or-
 - Contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, Phone: 03 9607 9311, Email: lawinst@liv.asn.au for a referral to a solicitor.
18. The College will ensure all records of formal discussions conducted under this policy and procedures and their outcomes will be confidentially and securely maintained in the student's file.

Method – Complaints Procedure

Informal Complaint Process

1. Any student with a question or complaint may raise the matter with staff of the College and attempt an informal resolution of the question or complaint.
2. Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the College staff member involved determines that the issue question or complaint was relevant to the wider operation of the College.
3. Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.
4. A student can lodge a formal complaint by filling out the College's Complaints and Appeals Form located on the website: <https://www.einsteincollege.vic.edu.au/useful-form>.
5. All Complaints and Appeals will be signed off by the CEO, or delegate.

Formal Complaint Process

1. Students who are not satisfied with the outcome of the informal complaint process, or, who want to register a formal complaint may do so within 20 working days after the date of the event that causes a complaint. To register a formal complaint a student must complete a Complaints and Appeals Form available from Student Services, or via the website: <https://www.einsteincollege.vic.edu.au/useful-form> and may also contact the College's CEO or a delegate to arrange a meeting. At this meeting the complaint can be raised and a resolution attempted. If the student doesn't wish at this point to schedule a meeting, the complaint will be acknowledged in writing by the College.
2. At the stage of the Complaint meeting, the complaint must be recorded in writing and signed and dated by the complainant and the CEO or a delegate. The complaint is recorded in writing by completing the student Complaint and Appeals Form prior to the meeting or a new document can be prepared and signed during the meeting.
3. The CEO or a delegate will then attempt to resolve the complaint with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint being lodged in writing.
4. A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
5. At the end of the resolution phase the CEO or delegate will report the College's decision to the student. The College's decision and reasons for the decision will be documented by the CEO or delegate and placed in the students file. A copy of this document will be provided to the student, as well as registered on the College's Complaints/Appeals spreadsheet.
6. Where the College considers more than 60 calendar days are required to process and finalised the complaint, the College will:
 - Inform the complainant in writing as to why more than 60 calendar days are required and
 - Regularly update the complainant on the progress of the matter
7. Following the resolution phase the College will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint.
8. If the internal complaint handling results in a decision that supports the student, the College will immediately implement any decision and/ or corrective and preventative action required and advise the student of the outcome.
9. If a student is dissatisfied with the outcome of the formal complaint process then they may institute an internal appeals process by completing the Complaints and Appeals Form within 20 days of outcome of 'Formal Complaint'. This form is available from Student Services or via the website on: <https://www.einsteincollege.vic.edu.au/useful-form>.

Method – Appeals Procedure

Internal Appeal Process

1. Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by the College.
2. A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.

3. The appeals process is initiated by a student completing the Complaints and Appeals Form available from Student Services or via the website and lodging the completed form to the Director of Studies for assessment appeals and to the CEO or a delegate for any other appeals.
4. The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
5. A maximum time of 20 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.
6. After a student makes an internal appeal, the College will appoint a person or body to hear the appeal and propose a final resolution. This person or body must not be the same as any person or body that heard the original complaint.
7. Students appealing an assessment or RPL outcome will be given the opportunity for reassessment by a different assessor selected by the College. If the students' appeal is successful, costs of reassessment will be met by the College. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.
8. The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and the College and placed in the student file. A copy of this document will be provided to the student, as well as registered on the College's Complaints/Appeals spreadsheet
9. If the internal appeal process results in a decision that supports the student, the College will immediately implement any decision and/ or corrective and preventative action required and advise the student of the outcome.
10. Following the internal appeals phase the College will implement the decision as conveyed to the student and undertake any improvement actions arising from the appeal.
11. There are no further avenues within the College for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available.
12. Where the College considers more than 60 calendar days are required to process and finalised the appeal, the College will:
 - Inform the appellant in writing as to why more than 60 calendar days are required and
 - Regularly update the appellant on the progress of the matter

External Appeal Process

1. If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, the College advises the student that he/she has the right to access the external appeals process. Where this is the case, the matter shall be referred to the external independent / third party mediator at no cost to the student.
2. The purpose of the external appeals process is to consider whether the College has followed its student complaint and appeals procedure, not to make a decision in place of the College. For example, if a student appeals against his or her subject results and goes through the College internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.
3. A student may seek assistance from a formal external authority within 10 working days if they are not satisfied with the decision reached. The College supports the following external independent providers for this mediation service at no cost to the students:

- **International Students on a student visa/ Other Temporary Visa Holders:**

The Overseas Student Ombudsman
Phone: 1300 362 072
Email: ombudsman@ombudsman.gov.au
Web: www.oso.gov.au
Address: GPO Box 442, Canberra, ACT 2601

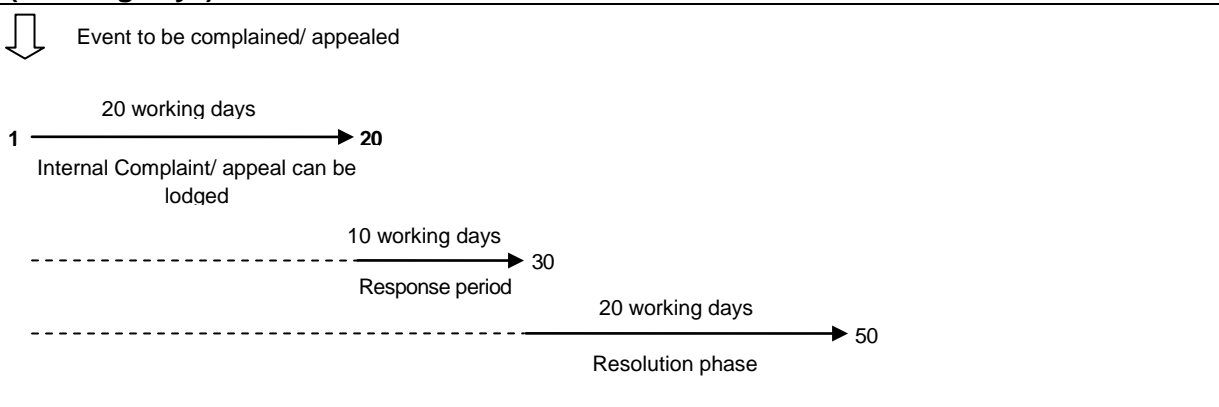
- **Domestic Australian Students:**

Victorian Ombudsman
Phone: 03 9613 6222
Web: <https://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint>
Address: Level 2, 570 Bourke Street, Melbourne VIC 3000

Note: That the Australian Skills Quality Authority (ASQA) is not able to act as the Independent third party for reviewing complaints. ASQA is not a consumer protection agency and cannot act as an advocate for individual students.

4. The external appeals procedure will be determined by the independent mediator.
5. If the external appeal process results in a decision that supports the student, the College will immediately implement any decision and/ or corrective and preventative action required and advise the student of the outcome.
6. Following the receipt of the outcome of the external appeal the College must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint
7. If an appeal is against a College decision to report the student for unsatisfactory course progress or unsatisfactory attendance (for international students) the College must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or unsatisfactory attendance) until the external appeals process is complete and has supported the College's decision to report.
8. For International students, if an appeal is against a College decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment the College only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the ESOS Agency and Department of Home Affairs through PRISMS of the change to the student's enrolment.

Timeline for Internal Formal Complaints and Appeals (working days)



External Complaints:

Students who want to make a complaint about a training provider can access the National Training Complaints Hotline on 13 38 73 (Monday to Friday from 8am to 6pm nationally) or via email at skilling@education.gov.au.