

SC14-I: Complaints and Appeals Policy & Procedures

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Purpose

The purpose of this policy and procedure is to outline Australian English Colleges' approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensures compliance with Standard 6 of the Standards for Registered Training Organisations 2015, as well as compliance with the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

Definitions

ASQA means Australian Skills Quality Authority, the national VET regulator and the RTO's registering body.

Appeal means a request for a decision made by Australian English Colleges to be reviewed.

Complaint means a person's formal expression of dissatisfaction with any product or service provided by Australian English Colleges.

DET means Department of Education and Training.

PRISMS means Provider Registration and International Students Management System.

Services means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support.

Standards means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework.

National Code means National Code of Practice for Providers of Education and Training to Overseas Students 2018.

Policy

Complaints and Appeals

1. Australian English Colleges has and implements a documented internal complaint handling and appeals process and policy, and provides the overseas student with comprehensive, free and easily accessible information about that process and policy.
2. Australian English Colleges' internal complaint handling and appeals process, which includes that Australian English Colleges:
 - Provides a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally
 - Responds to any complaint or appeal the overseas student makes regarding his or her dealings with Australian English Colleges, Australian English Colleges' education agents or any related party Australian English Colleges has an arrangement with to deliver the overseas student's course or related services
 - Commences assessment of the complaint or appeal *within 10 working days* of its being made, in accordance with Australian English Colleges' complaints handling and appeals process and policy, and finalise the outcome as soon as practicable
 - Ensures the overseas 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
 - Conducts the assessment of the complaint or appeal in a professional, fair and transparent manner

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- Ensures the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
 - Keeps a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.
3. If the overseas student is not successful in Australian English Colleges' internal complaints handling and appeals process, Australian English Colleges advises the overseas student *within 10 working days of concluding the internal review* of the overseas student's right to access an external complaint handling and appeals process at minimal or no cost. Australian English Colleges gives the overseas student the contact details of the appropriate complaints handling and external appeals body.
 4. If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, Australian English Colleges *immediately* implements the decision or recommendation and/or takes the preventive or corrective action required by the decision, and advises the overseas student of that action.
 5. Australian English Colleges acknowledges students' need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with the review of a matter by an independent party must be covered by the complainant/appellant unless the decision to include an independent party was made by Australian English Colleges.

Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Students Ombudsman (OSO). This service is free of charge.

6. Appeals must be made within 20 working days of the original decision having been made.
7. Complaints and appeals will be finalised within 60 calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time as the matter is resolved.
8. Australian English Colleges will maintain a record of all complaints and appeals and their outcomes on the *Complaints Register* and *Appeals Register* (as appropriate) to allow all parties appropriate access. All records relating to complaints and appeals will be treated as confidential and will be covered by the Australian English Colleges Privacy Policy.
9. The right to make complaints and seek appeals of decisions and action under various processes does not affect the rights of the student to take action under the *Australian Consumer Law* if the *Australian Consumer Law* applies.

Additional considerations related to overseas students

10. Additional considerations related to provider-initiated suspension or cancellation of an overseas student's enrolment
 - Australian English Colleges may suspend or cancel a student's enrolment including, but not limited to, on the basis of:
 - misbehaviour by the student
 - the student's failure to pay an amount the student was required to pay Australian English Colleges to undertake or continue the course as stated in the written agreement
 - a breach of course progress or attendance requirements by the overseas student which must occur in accordance with Standard 8 (Overseas student visa requirements) of the National Code 2018.
 - The suspension or cancellation of the overseas student's enrolment in these circumstances cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk
 - Further to this, Australian English Colleges only reports unsatisfactory course progress or unsatisfactory course attendance in PRISMS in accordance with section 19(2) of the ESOS Act if:
 - the internal and external complaints processes are completed, and the decision or recommendation supports Australian English Colleges, or
 - the overseas student chooses not to access the internal complaints and appeals process within the 20 working days period, or

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- the overseas student chooses not to access the external complaints and appeals process, or
- the overseas student withdraws from the internal or external appeals processes by notifying Australian English Colleges in writing.

Procedure

1. Internal complaints

Refer to Standard 6 – Clauses 6.1, 6.2, 6.3, 6.4 and 6.5, plus Standard 10 of the National Code.

Procedure	Responsibility
<p>A. Receive and acknowledge complaint</p> <ul style="list-style-type: none"> • As per policy, complaints are to be made in writing by the complainant using the <i>Complaints and Appeals Form</i>. • The PEO should: <ul style="list-style-type: none"> – Review all complaints upon receipt. – Record details of the complaint on the <i>Complaints Register</i>. – Commence process of investigation within 10 working days of receiving the completed <i>Complaints and Appeals Form</i>. 	PEO
<p>B. Investigate the complaint</p> <ul style="list-style-type: none"> • Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete. • Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face-to-face, the complainant may be accompanied by a support person. • If the matter is in relation to a third party delivering Services on behalf of the RTO, the third party should be involved in the resolution of the complaint. • The PEO will review the information and decide on an appropriate response. Where deemed necessary by the PEO, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution. • Note: The complaint must be completely resolved within 60 calendar days of receipt of the completed <i>Complaints and Appeals Form</i>. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing, along with reasons for the extra time. The complainant must then be provided with updates on progress on a weekly basis thereafter until the matter is resolved. 	PEO
<p>C. Advise of the outcome and update records</p> <ul style="list-style-type: none"> • Provide a written response to the complainant within 10 working days of concluding the internal review, using the <i>Notice of Complaint Decision</i> letter, and include: <ul style="list-style-type: none"> – The RTO's understanding of the complaint – The steps taken to investigate and resolve the complaint – Decisions made about resolution, with reasons for the decisions made – Areas that have been identified as possible causes of the complaint and improvements to be recommended – Their right to access Australian English Colleges' Complaints and Appeals process within 20 working days of the date of the letter if they are not satisfied with the outcome of the complaints process. • Update the <i>Complaints Register</i> so it includes the outcome of the complaint. • Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome, in accordance with the <i>Quality Assurance Policy and Procedures CG3</i>. 	PEO

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Procedure	Responsibility
<ul style="list-style-type: none"> Document staff-related issues in the staff files (if applicable) Maintain records of the complaint and all related documents on the student's file for at least 2 years after the person ceases to be an accepted student. Discuss the complaint and its outcome at the next management meeting. 	

2. Internal appeals

Refer to Standard 6 – Clauses 6.1, 6.2, 6.3, 6.4 and 6.5, plus Standard 10 of the National Code.

Procedure	Responsibility
D. Receive and acknowledge appeal <ul style="list-style-type: none"> As per policy, appeals are to be made in writing by the appellant using the <i>Complaints and Appeals Form</i>. The PEO should: <ul style="list-style-type: none"> Review all appeals upon receipt. Record details of appeal on the <i>Appeals Register</i>. Commence process of investigation within 10 working days of receiving the completed <i>Complaints and Appeals Form</i>. 	PEO
E. Respond to internal assessment appeals <ul style="list-style-type: none"> In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor (independent of the original decision) mark the assessment task again. The assessment decision made during the appeals process will be considered the actual assessment outcome for the task. Advise the student of the outcome of the appeal as per point G below. Note: The appeal must be resolved within 60 calendar days of receipt of the completed <i>Complaints and Appeals Form</i>. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved. 	PEO and Head Trainer
F. All other types of internal appeals <ul style="list-style-type: none"> Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision. Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. If the matter is in relation to a third party delivering Services on behalf of the RTO, the third party should be involved in the resolution of the appeal. The appellant may request that an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, Australian English Colleges may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. In this case, Australian English Colleges will bear the costs associated. Australian English Colleges PEO will review all relevant information and decide on an appropriate response. Note: The appeal must be resolved within 60 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant 	PEO and Administration

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Procedure	Responsibility
must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved.	
<p>G. Advise appellant of the outcome and update records</p> <ul style="list-style-type: none"> The PEO will provide a written response to the appellant within 10 working days of concluding the internal review, using the <i>Notice of Appeal Decision</i>, which will include: <ul style="list-style-type: none"> The RTO's understanding of the reasons for the appeal The steps taken to investigate and resolve the appeal Decisions made about resolution and reasons for the decisions If relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended Their right to the external appeals process and where to find more information on it For international students, any impact on their enrolment status and/or student visa (if applicable) Update the <i>Appeals Register</i> so it includes the outcome of the appeal. Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome, in accordance with the <i>Quality Assurance Policy and Procedures CG3</i>. Document staff-related issues in the staff files (if applicable) Maintain records of the appeal and all related documents on the student's file for at least 2 years after the person ceases to be an accepted student. Discuss the appeal and its outcome at the next management meeting. 	PEO

3. Independent Reviews by External Party

Refer to Standard 6 – Clauses 6.1, 6.2, 6.3, 6.4, and 6.5, plus Standard 10 of the National Code.

Procedure	Responsibility
<p>H. External complaint or appeal</p> <ul style="list-style-type: none"> If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal. Additionally, a complainant or appellant who has been through the internal processes may request that Australian English Colleges appoint an independent party to review the matter. <ul style="list-style-type: none"> For domestic students, the independent party used is Fair Trading NSW; however, complainants and appellants can seek their own external parties at their own cost. For overseas students, the independent party is the Overseas Students Ombudsman. Australian English Colleges will co-operate fully in the process of the external party to investigate and review the matter. This will include but not be limited to providing full access to the relevant student file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them. Record details of external complaints on the <i>Complaints Register</i>. Update with new information as it becomes available. Record details of external appeals on the <i>Appeals Register</i>. Update with new information as it becomes available. Notify DET through PRISMS of any impact on the student's enrolment status (if applicable) 	Staff as required, plus PEO

4. Special conditions related to provider-initiated suspension or cancellation of an overseas student's enrolment

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Refer to Standards 8, 9 and 10 of the National Code.

<p>A. Any provider-initiated suspension or cancellation of an overseas student must abide by the following special conditions:</p> <ul style="list-style-type: none">• Australian English Colleges may suspend or cancel a student's enrolment including, but not limited to, on the basis of:<ul style="list-style-type: none">○ misbehaviour by the student○ the student's failure to pay an amount the student was required to pay Australian English Colleges to undertake or continue the course as stated in the written agreement○ a breach of course progress or attendance requirements by the overseas student which must occur in accordance with Standard 8 (Overseas student visa requirements) of the National Code 2018.• The suspension or cancellation of the overseas student's enrolment in these circumstances cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk• Further to this, Australian English Colleges only reports unsatisfactory course progress or unsatisfactory course attendance in PRISMS in accordance with section 19(2) of the ESOS Act if:<ul style="list-style-type: none">○ the internal and external complaints processes are completed, and the decision or recommendation supports Australian English Colleges, or○ the overseas student chooses not to access the internal complaints and appeals process within the 20 working days period, or○ the overseas student chooses not to access the external complaints and appeals process, or○ the overseas student withdraws from the internal or external appeals processes by notifying Australian English Colleges in writing.	PEO
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