

Student Complaints & Appeal Policy

1.0 Definitions

Student: any person enrolled as a student at the Institute

Complaint: an expression of dissatisfaction with a service or a decision or action of the Institute. Or an expression of dissatisfaction with action by a student.

Complainant: person making complaint.

Respondent: someone who responds or makes reply to a student complaint.

Investigator: A person independent to the parties of the complaints

Natural Justice: General procedural fairness in the handling of complaints and appeals that involves all of the following elements:

the right to a fair hearing;

the right to attend hearings with a friend or support person, if required;

the opportunity for all parties involved to be heard;

the Respondent having full knowledge of the nature and substance of the Grievance;

the Complainant not determining the outcome, but may be a party to it;

the right to an independent, unbiased decision-maker;

a final decision that is based solely on the relevant evidence.

2.0 Policy requirements

- a. All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
- b. The principles of natural justice shall apply to students complaints and appeals proceedings
- c. Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using this procedure.
- d. Students will be provided with details of external authorities they may approach, if required
- e. All complaints and appeals are to be handled professionally and confidentially in order to achieve a satisfactory resolution
- f. 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 may be accompanied and assisted by a support person at any relevant meetings.
 - At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including details of the reasons for the outcome.
- g. A student's enrolment must be maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined.
- h. Students are provided with details of external authorities they may approach, if required
- i. At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- j. The Institute will encourage the parties 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, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the Institute.
- k. 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 Institute's management meeting as part of the continuous improvement process.
- l. Nothing in this policy circumscribes the student's right to pursue other legal remedies nor does the availability of dispute resolution processes remove the right of the student to take action under Australia's consumer protection laws.

3.0 Procedures

a. Informal Complaint Process

- Any student with a complaint may first raise the matter with the Respondent or staff of the Institute and attempt an informal resolution of the complaint.
- 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 Institute staff involved determines that the issue in question or complaint was relevant to the wider operation of the Institute.
- Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

b. Formal Complaint Process

- Students who are not satisfied with the outcome of the informal process can register a formal complaint in writing.
- To register a formal complaint a student must complete and lodge a Student Complaints Form to the Student Administration Manager providing:
 - a. clear statement of the complaint, including the parties involved;
 - b. process for trying to settle the complaint, which will be considered by the Institute
 - c. suggested solution which the student believes would settle the complaint. An appropriate solution will focus on achieving a productive study environment or relationship, rather than apportioning blame.
- The Student Administration Manager 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.
- Within 10 working days of receiving the complaint, the Student Administration Manager will determine whether the subject matter falls within the definition of a Complaint. This period is called the resolution phase.
- Where it is determined that the subject matter falls within the definition, the Student Administration Manager will:

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- a. gather such other information as required to assist with the settlement of the complaint, including providing the Respondent with the statement of the complaint and the opportunity to respond; and
- b. attempt to resolve the complaint by using the process outlined by the student for settlement (if appropriate) or through meeting, mediation and/or conciliation.

- Where it is determined that the subject matter of the complaints falls outside the definition of a complaint, the Student Administration Manager will advise the student accordingly. The Student Administration Manager may dismiss a complaint if, in their view, the complaint is ill-advised, misguided, frivolous, malicious or vexatious.
- At the conclusion of the resolution phase, the Student Administration Manager will write to both the student and Respondent indicating the outcome of the process and specifying any action that has been agreed by the parties as part of that process.
- The Institute decision and reasons for the decision will be documented by the Student Administration Manager and placed in the student's file.
- If a student is dissatisfied with the outcome of the formal complaint process then they may initiate an internal appeal process by completing a Student Appeal Form.

c. Internal Appeal Process

- 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 Institute.
- Where an appeal relates to the following matters, a student must lodge a Student Appeal Form within 20 working days:
 - a. Notification of an intention to report the student to DIAC in order to be considered by the Institute for non-attendance or unsatisfactory course progress
 - b. Intention to suspend or cancel a student enrolment

- An Internal Appeal Process will normally be invoked within 5 working days of the Student Administration Manager notifying the parties of the outcome of the Formal Complaint Process or from the date of the conclusion of the unsuccessful mediation and/or conciliation.
- An Internal Appeal Process must be initiated by a student by lodging a Student Appeal Form.
- Within 10 working days of receiving the appeal form, the CEO of the Institute or its nominee will appoint an Investigator or convene a Student Appeal Committee to hear the appeal and propose a final resolution. This Investigator or the committee must not include any person that heard the original complaint.
- The Investigator or the Student Appeal Committee will, within 20 working days of appointment: gather information from both the student and Respondent and such other persons or seek any further information the Investigator considers necessary and will conduct any investigation in accordance with Principles of Natural Justice; determine whether the complaints and appeal is justified; and report and recommend to the CEO appropriate action.
- On receipt of the report by the Investigator or Student Appeal Committee, the CEO will: take such action as the CEO deems appropriate; and notify in writing both the student and Respondent of the outcome of the process, the reasons for the decision and specify any action to be taken.
- Students appealing an assessment or RPL outcome will be given the opportunity for reassessment by a different assessor selected by the Institute. The cost of reassessment will be met by the Institute. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.
- The outcome of the internal appeal process and reasons for the outcome will be recorded in writing and signed and dated by the student and the Institute and placed in the student file
- The decision of the CEO is the final step in the appeal process and is not open to challenge via any other dispute resolutions procedures of the Institute, however an external appeals process is available

d. External appeal process

- The purpose of the external appeal process is to consider whether the Institute has followed its student complaint and appeals procedure, not to make a decision in place of the Institute. For example, if a student appeals against his or her assessment results and goes through the Institute 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.
- If the student finds no satisfaction with the Institute, they are advised to request mediation through the Australian Council for Private Education and Training (ACPET) who provides access to independent mediators for a fee payable by students and the Institute. Students have 10 working days to lodge an appeal with ACPET. The contact details for ACPET is as follows:

Suite 1/ 126 Wellington Pde,
East Melbourne VIC 3002
Tel: (03) 9654 6790
Fax: (03) 9654 9671
Web site: www.acpet.edu.au

The external appeal procedure will be determined by an independent mediator.

Following the receipt of the outcome of the external appeal, the Institute must immediately implement the decision and convey the outcome to the student.

If an appeal is against the Institute's decision to report the student for unsatisfactory course progress or unsatisfactory attendance the Institute must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external appeals process is complete and has supported the provider's decision to report.

If an appeal is against the Institute's decision to defer, suspend or cancel student's enrolment due to misbehaviour, the Institute only needs to await the outcome of the internal appeals process (supporting the provider) before notifying DEEWR through PRISMS of the change to the student's enrolment.