



**Award Academy Australia**

RTO Code:      CRICOS Code:

**National Code 2018**

**Standard 10 – Complaints and Appeals Policy**

# 1 PURPOSE

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The purpose of this policy and procedure is to provide information and outline the determination for proceeding with an appeal or complaint. Through this policy and the corresponding procedure, we commit to ensuring that overseas students have the right to natural justice by virtue of access to effective, timely, equitable and documented complaints handling and appeals processes. (10.1)

# 2 SCOPE

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This policy applies to all current and prospective overseas students of Award Academy Australia.

# 3 DEFINITIONS

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<b>Appeal</b>	<p>When a student is dissatisfied with a decision made by an RTO, that student has the right to contest it by means of an appeal.</p> <p>The appeal is a process whereby the decision is reviewed and re-evaluated with any evidence or argument that the student wishes to include for consideration. The appeal may have one of two outcomes:</p> <ul style="list-style-type: none"><li>- <b>Appeal upheld</b> meaning the decision is overturned.</li><li>- <b>Appeal rejected</b> or <b>not upheld</b>, meaning the original decision stands</li></ul>
<b>Assessment</b>	<p>the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.</p>
<b>Grievance</b>	<p>a concern about academic matters, perceived discrimination, situation, a process, person or people, facility or a support service provided by . Grievances are less formal/official than complaints, whereby a student brings a matter to the attention of in an informal way i.e. it is spoken about, not written down</p>
<b>Complaint</b>	<p>a formal complaint takes place if a grievance cannot be resolved informally (for example, the affected parties discussing the matter), and is written down for official processing</p>
<b>Complainant</b>	<p>student or potential student lodging the grievance or complaint</p>
<b>Internal complaint or appeal</b>	<p>means a complaint or appeal made by an employee or staff member of</p>
<b>SSO -</b>	<p>an acronym for Student Support Officer(s), members of staff providing support for the needs and wellbeing of all overseas students</p>
<b>Third party.</b>	<p>any party (person or group/organisation) providing services on behalf of the RTO but not including a contract of employment between an RTO and its employee</p>

## 4 POLICY STATEMENT

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As part of our commitment to providing an equitable student experience, the following complaints handling and appeals system has been developed and is freely and readily accessible and clearly explained to all students and prospective students on our official website, the student handbook and at student orientation.

- 4.1 acknowledges that students have the right to raise grievances and make complaint where they see fit.
- 4.2 also acknowledges that students have the right to appeal an assessment decision, based on valid grounds for appeal.
- 4.3 has provision for students to appeal against assessment decisions, including those made by staff members or by a third party partner and will respond to any complaint or appeal made against any of these parties. (10.2.2)
- 4.4 ensures that students have access to an equitable process for lodging an appeal against an assessment decision. (10.2.5)
- 4.5 In doing so, :
  - has written processes in place for collecting and dealing with appeals in a constructive and timely manner (see Complaints and Appeals Procedure); (10.2.1)
  - ensures that these procedures are communicated to all staff, third party partners and students;
  - ensures that each appeal and its outcome are recorded in writing;
  - ensures that each appeal is heard by an independent person or panel;
  - ensures that each complainant has the opportunity to formally present their case free of cost; (10.2.4)
  - ensures that each complainant is given a written statement of the appeal outcomes, including reasons for the decision; (10.2.6)
  - retains written record and statement of the outcome of the appeal or complaint; (10.2.7)
  - takes appropriate action upon the subject of any appeal that is found to be substantiated; and
  - utilizes outcomes of appeals to review current practices which may potentially lead to continuous improvement.
- 4.6 All appeals must be lodged within 7 calendar days of the date of the assessment result notification to the student.
- 4.7 If the appeals process fails to resolve the appeal or the complainant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third party for review, at the request of the complainant. All costs incurred for the third party review will be advised to the complainant.
- 4.8 All appeals are acknowledged in writing and finalised as soon as practicable.
- 4.9 may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the complainant.
- 4.10 strives to deal with appeal issues as soon as they emerge, in order to avoid further disruption or the need for a formal complaint process.
- 4.11 All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training.

## 5 RESOLVING GRIEVANCES

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Students or potential students are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk directly with their trainer. Similarly, any issues relating to fees should be discussed first with accounts.

If the student has attempted to resolve the issue directly but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, he/she may discuss the issue with a Student Support Officer first or directly with the CEO. The student may be accompanied by a support person during this process. (10.2.1, 10.2.4)

CEO will consider the issue and may either suggest a course of action to resolve the issue, or attempt to mediate between the student and the staff member(s) concerned.

If the matter is not resolved informally the grievance may be put to a complaint, whereby the student can complete a Complaint Form.

### 5.1 COMPLAINTS

To commence the formal process, the complainant must complete a Complaint Form (available from Student Services). The following information needs to be provided in writing:

- a) outline the details of the complaint;
  - b) supporting information that the complainant wishes to have considered;
  - c) an explanation of the steps already taken to try to resolve the complaint informally;
  - d) why the responses received are not considered satisfactory if applicable and
  - e) what the complainant thinks needs to be done to address his/her concerns
- The Complaint Form will be lodged within 7 calendar days. CEO will commence the process of considering the complaint, and will acknowledge receipt of the complaint in writing to the complainant.
  - CEO will ensure all steps are taken to resolve the complaint as soon as is practical, with the assessment of all complaints and appeals commencing within 10 working days of lodgement. (10.2.3)
  - Complaints or appeals wherever possible are to be resolved within 15 working days of the initial application.

### 5.2 COMPLAINT OUTCOMES - UNSUCCESSFUL

If the complainant is not satisfied with the outcome of their complaint they have the option to seek outside assistance to pursue the appeal. If the overseas student is not successful in our internal complaints handling and appeals process, they must be advised within 10 working days about their rights as an overseas student to access an external complaint handling and appeals process at minimal or no cost. They may wish to contact the International Overseas Student Ombudsman as an independent reference. Contact details: (10.3)

*Mail: Commonwealth Ombudsman, GPO Box 442, Canberra ACT 2601*

*Phone: 1300 362 072*

*Online: <https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>*

If the student remains unhappy with the Internal and External outcome, they may refer the matter to the National Training Complaints Hotline on 13 38 73

### 5.3 COMPLAINT OUTCOMES - SUCCESSFUL

Should the decision of the internal complaints handling or appeal process or any external process be in favour of the overseas student, that decision shall be implemented immediately. Any resulting recommendation and/or preventive or corrective action required by the decision shall also be taken as soon as practicable. All decisions and changes/actions will be recorded and the student will be notified in writing of the action taken.

(10.4)

### 5.4 APPEALS

Valid grounds for an appeal against an assessment decision (where the Student feels the assessment decision is incorrect) could include the following:

- The judgement as to whether competency has been achieved and demonstrated was made incorrectly.
- The judgement was not made in accordance with the Assessment Plan.
- Alleged bias of the assessor.
- Alleged lack of competence of the assessor.
- Alleged wrong information from the assessor regarding the assessment process.
- Alleged inappropriate assessment process for the competency.
- Faulty or inappropriate equipment; and/or
- Inappropriate conditions.

### 5.5 APPEAL OUTCOMES

An investigation into an Appeal may result in one of the following outcomes:

- a) Appeal is upheld; in this event the following options will be available:
  - i. The original assessment will be re-assessed, potentially by another assessor as soon as can be arranged
  - ii. Appropriate recognition will be granted forthwith
  - iii. A new assessment shall be conducted/arranged without delay <sup>(10.4)</sup>
- b) Appeal is rejected/ not upheld; in accordance with assessment policy the Student will be required to:
  - i. undertake further training or experience prior to further assessment; or
  - ii. re-submit further evidence; or
  - iii. submit/undertake a new assessment

### 5.6 ACTIONING OUTCOMES

Where the complaint or appeal is upheld, will implement the required corrective action within 28 days and advise the student in writing of the outcome.

- a) If you are Under 18 years of age a copy of your Complaint Form will be sent to your Parent or Legal Guardian.
- b) A copy of all outcomes and correspondence raised during the process will also be forwarded to your Parent or Legal Guardian.

### 5.7 INTERNAL APPEALS OR COMPLAINTS

- All internal complaints / appeals should be committed to in writing at the earliest possible opportunity utilizing the Complaint Form.
- A submitted Complaint Form will constitute a formal complaint/appeal from the student.
- The **CEO** of will be informed through receipt of all student complaints/appeals.

- The **CEO** of may delegate responsibility for the resolution of the complaint/appeal as required.
- In the case of a complaint/appeal, the **CEO** of will initiate a transparent, participative process to deal with the issues at hand.
- Assessment appeals will be processed in accordance with the Assessment Appeals Procedure - Annex A.
- Complaints or appeals wherever possible are to be resolved within 10 working days of the initial application.
- Length of time may vary depending on the complexity of the case
- If you are Under 18 a copy of your Complaint Form will be sent to your Parent or Legal Guardian
- A copy of all outcomes and correspondence raised during the process will also be forwarded to your Parent or Legal Guardian
- In all cases the conclusion will be endorsement by the CEO of .
- The student will be advised in writing of the outcome of their complaint/appeal.
- If the outcome is not to the satisfactory of the Student, he/she may seek an appointment with the CEO of .
- The CEO of decision will be final. The Student has the option to seek the judgement of the CEO/PEO if they are not satisfied with the decision of the CEO
- If they are still not satisfied with the decision, they may seek outside assistance to pursue the complaint, grievance or appeal, the student will be advised of this within 10 days of the decision.
- All grievances, complaints and appeals will be handled as Staff-In-Confidence.
- All complaints/appeals will be discussed at Management Review meetings for continuous improvement of the processes.

## 5.8 ACCESS AND EQUITY

The Access & Equity Policy applies. (See Access and Equity Policy)

## 5.9 RECORDS MANAGEMENT

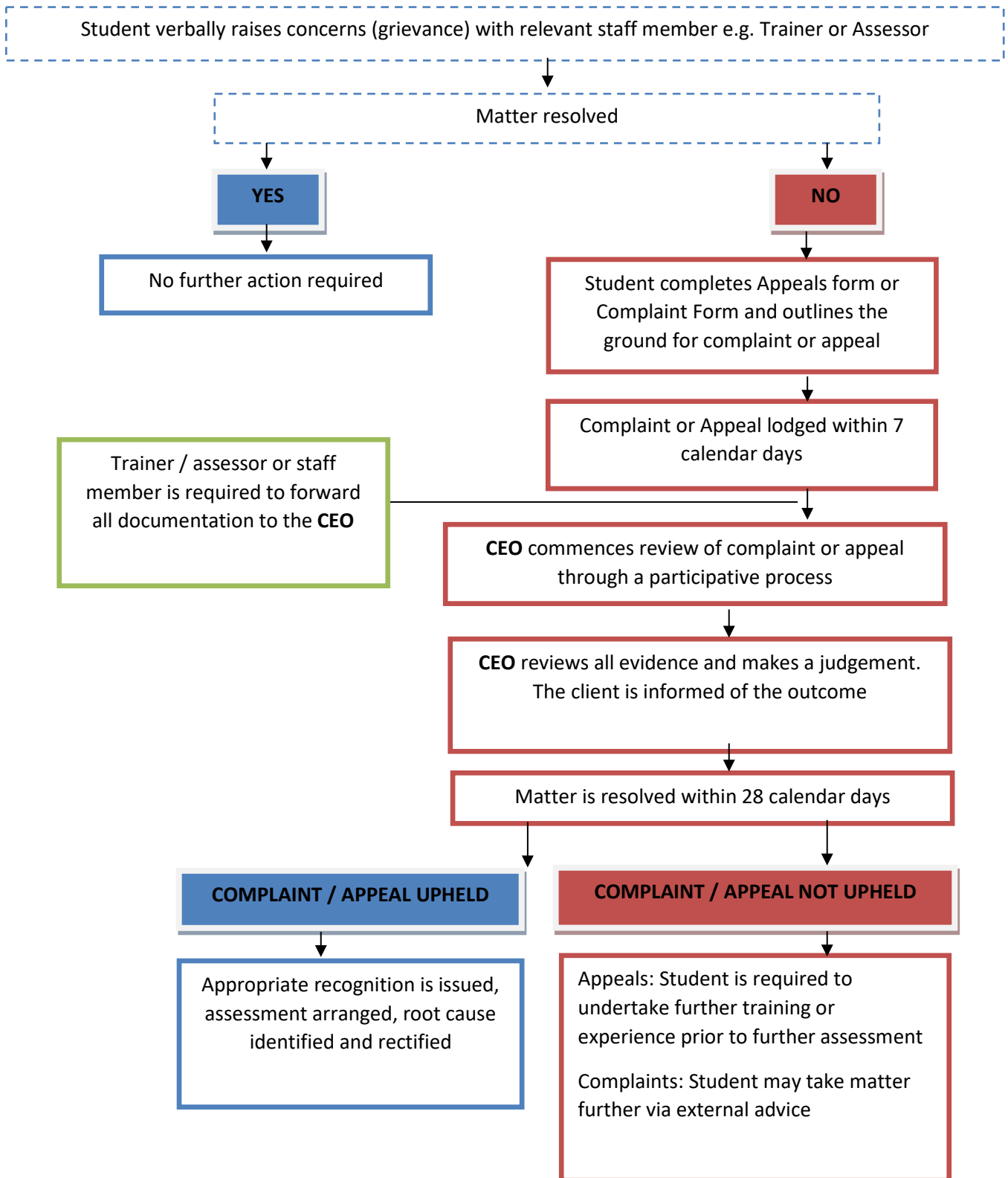
Records of all appeals and their outcomes are maintained securely.

Records of appeals will include:

- How the appeal was dealt with;
- The outcome of the appeal;
- The timeframes for resolution of the appeal;
- The potential causes of the appeal; and
- The steps taken to resolve the appeal.

All documentation from Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

## Appeals and Complaints Process Flowchart



## 6 RESPONSIBILITIES

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Role within RTO	Area of responsibility
CEO	Approval Authority
CEO	Development/Review
CEO	Monitoring and Evaluation
CEO	Compliance
CEO	Implementation

CEO of is the Appeals Resolution Officer. CEO may delegate responsibility for the resolution of the appeal if necessary.

Details concerning the scope of the Appeals Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Student Handbook and website.

All appeals practices are monitored by CEO and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

## 7 RELATED LEGISLATION AND REGULATIONS

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- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as ‘the National Code 2018’ Standard 10
- Standards for Registered Training Organisations (RTOs) 2015
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students Act 2000

## 8 RELATED POLICIES AND PROCEDURES

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- Complaints and Appeals Procedure
- Marketing Policy and Marketing Procedure
- Education Agent Policy
- Engagement Prior to Enrolment Policy and Procedures
- Formalisation of Enrolment Policy and Procedures



## STANDARD 10

### 8.1.1 Complaints and appeals

- 10.1 The registered provider must have and implement a documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.
- 10.2 The registered provider's internal complaints handling and appeals process must:
  - 10.2.1 include a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally
  - 10.2.2 include that the provider will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the registered provider, the registered provider's education agents or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services
  - 10.2.3 commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the registered provider's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable
  - 10.2.4 ensure 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
  - 10.2.5 conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
  - 10.2.6 ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
  - 10.2.7 keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.
- 10.3 If the overseas student is not successful in the registered provider's internal complaints handling and appeals process, the registered provider must advise the overseas 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 registered provider must give the overseas student the contact details of the appropriate complaints handling and external appeals body.
- 10.4 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.