

## NATIONAL CODE 10

### *Student Complaints And Appeals Policy And Procedure:*

#### (Complaints and Appeals)

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#### Overview

1. The College endeavours to create a positive learning environment for students, one in which each student has the opportunity to achieve their personal best. Part of the maintenance of that positive environment is a fair and open complaints and appeals procedure made available to all students.
2. The availability of a complaints and appeals process does not remove the Student's right to take further action under Australia's Consumer Protection Laws, nor does the College's dispute resolution process circumscribe the student's right to pursue other legal remedies.
3. A student must be advised of the College's Complaints and Appeals Policy in any case where a decision is made adversely impacting on their course progress such as in the event of a suspected case of plagiarism or cheating. Students must lodge a complaints and appeals form if they have a complaint or appeal. If they do not do so, but a staff member is aware that they have a complaint or wish to raise an appeal, that staff member must advise the National Manager of the case.
4. A complaints flowchart is attached to this policy.

#### Definitions

5. **Complaint:** means not being satisfied with services provided by, or treatment received at, the College, one of the College's education agents or any related party that the College has an arrangement with to deliver courses or related services.
6. **Appeal:** means not being satisfied with a decision made by the College in relation to a complaint.

#### Maintenance of student's enrolment

7. A student's enrolment will be maintained until all internal and external appeals processes are exhausted where the appeal relates to the College's decision to report a student for unsatisfactory course progress or otherwise in the circumstances set out in the National Code Standard 8.14.
8. A student's enrolment will be maintained until the internal appeals process only is exhausted where the appeal relates to the college's decision to defer or suspend a student's enrolment due to misbehaviour or cancellation of a student's enrolment in accordance with National Code Standard 9 unless the student's wellbeing, or the wellbeing of others, is likely to be at risk.

#### Lodging complaint or appeal

9. In the first instance, a student with concerns related to their time at the College should adopt the following procedure:
  - 9.1. The student will, firstly, communicate directly with the person involved in an attempt to resolve the matter in an informal manner.

- 9.2. If the matter is not resolved to the student's satisfaction, the student can take the matter further in a more formal way.
  - 9.3. The student can make a verbal complaint via an appointment with the National Manager. If the complaint is made verbally, the National Manager must summarise the complaint in writing and have it signed off by the person making the complaint.
  - 9.4. Alternatively, the student can lodge a formal Complaints and Appeals form to the National Manager outlining their grievance, providing details including actions taken to resolve the issue. The form can be handed in at Administration or emailed to: – admin@tbc.nsw.edu.au.
- 10. Students are at all times encouraged to contact either a Student Services Officer or Student Counsellor to discuss any concerns they may have. The Student Counsellor may provide advice about the options available to students during the complaints process.
  - 11. If an appeal is being lodged under the following circumstances a Complaints and Appeals Form must be completed and signed by the student.
    - 11.1. Intention to report student to the relevant government authorities for failing to make satisfactory course progress;
    - 11.2. Intention to suspend or cancel a student's enrolment; or
    - 11.3. Refusal of a student's request to transfer providers.

### **Timeframes**

- 12. Where a complaint relates to the following a student has 20 working days to lodge a complaint prior to action being taken.
  - 12.1. Notification to report a student to the relevant government authorities for failing to make satisfactory course progress;
  - 12.2. Intention to suspend or cancel a student enrolment.
- 13. The National Manager will respond in writing within ten (10) working days.

### **Mechanisms for assessing student complaints and appeals**

- 14. Any complaint or appeal made by a student will be responded to by the National Manager acknowledging that she has received the complaint or appeal and is considering the merits of the application. Assessment of the complaint or appeal will commence within 10 working days of a complaint or appeal being made in accordance with this policy.
- 15. The College will investigate the student's concerns. The National Manager will, in consultation with the student, consider whether the complaint should be handled under the formal or informal mechanisms available. The National Manager will have regard to the nature and seriousness of the complaint as well as the views of the student.
- 16. If an informal complaints resolution procedure is adopted, mechanisms available to resolve the issue include mediation and facilitation discussions between the parties involved. These mechanisms are appropriate when it is important that all parties have a chance to voice their concerns but the relationship between the parties is ongoing and needs to be maintained. This mechanism is not suitable for serious complaints or where there is a factual matter in dispute.
- 17. For serious matters, a formal investigation process should be instigated. This is required for serious complaints and appeals and factual disputes. **The formal process must be adopted where a complaint or appeal relates to the following issues:**
  - 17.1. intention to report student to the relevant government authorities for failing to make satisfactory course progress;
  - 17.2. intention to suspend or cancel a student's enrolment; or
  - 17.3. refusal of a student's request to transfer providers.

### **Informal resolution mechanisms**

- 18. In cases where an informal complaints resolution procedure is adopted, the following guidelines apply;
  - 18.1. All parties involved in the complaint must be invited to attend a mediation meeting;
  - 18.2. Each party is permitted to have a support person present;
  - 18.3. All meetings must be held by the National Manager or a properly authorised delegate;

- 18.4. Records of the agreed outcome must be made in writing and signed by all parties involved;
- 18.5. No threatening or intimidating behaviour is permitted during meetings. If such behaviour is exhibited by a party, the person responsible must be counseled and the complaint must be resolved using the formal resolution procedure set out below.

### **Formal resolution mechanisms**

19. This formal investigation will involve contacting the party/parties against whom the complaint was made or decision made to which the appeal relates and allow them to respond in writing in relation to the complaint or make submissions in relation to the appealed decision. Alternatively a meeting will be arranged with the parties involved where each party has the right to:
  - 19.1. formally present their case with little or no cost involved; and/or
  - 19.2. attend and/or be assisted in all discussions with a support person. This means that each party has the right to bring a support person with them to attend any meeting and/or discussion e.g. an agent or a relative or friend.
20. The National Manager will then inform, in writing, both parties of the outcome(s) and resolution in relation to the complaint or appeal, including reasons for the decision.
21. The complaint or appeal will be dealt with promptly and the length of time involved may vary in accordance with the complexities of the case. Under normal circumstances the applicant can expect at least a provisional written response within 10 working days of presenting their formal complaint and appeal.
22. If the National Manager considers that the complaint will take longer than 60 calendar days to process and finalise, the applicant will be informed in writing with reasons provided as to why more than 60 calendar days are required to finalise the complaint. During this investigation period, the applicant will be kept informed in writing on the progress of the case. All reasonable measures will be taken to finalise the process as soon as practicable.
23. In the event that the applicant is not satisfied with the outcome, he/she can take the matter further with the Chief Executive Officer/ Principle Executive Officer of the College, using the relevant complaints and appeals email address.
24. All records of the complaints and appeals process and the outcomes are documented in the Complaints and Appeals Register and kept in a secure file. This requirement applies regardless of whether the complaints resolution mechanism adopted was formal or informal.

### **External appeals process**

25. If the student is not successful in the College's complaints and appeals process, the College will advise the student within 10 working days of concluding the internal review that the student has the right to access an external complaints or appeals process at minimal or no cost. Students are advised that generally the external complaints or appeals body will consider student complaints on procedural issues and may not revisit the facts in the complaint or appeal again. There are a number of options available. These include contacting:
  - 25.1. Overseas Student Ombudsman (OSO) - (Not available for Domestic Students)  
Phone: 1300 362 072  
Web: [www.oso.gov.au](http://www.oso.gov.au); or
  - 25.2. Department of Fair Trading  
Phone: 13 32 20  
Web: <http://www.fairtrading.nsw.gov.au>  
**(Both the above services are free and independent); or**
  - 25.3. Resolution Institute - Student Mediation Scheme,  
Freecall: 1800 651 650  
Web: <http://www.resolution.institute>  
**(Please note: a small fee may apply).**
26. At any stage of the complaints/appeals handling process, students are free to complain to any of the above organisations.
27. If the matter cannot be resolved within the College according to the above procedures, then resort can also be had to Australia's legal system.

### **Assessment Appeals – Vocational Qualifications**

28. Students wishing to appeal an assessment of their work should refer to the College's Assessment Appeals Policy and Procedures for further details and lodge an Assessment Appeals Form (IST 77).

29. The College's Assessment Appeals Procedure offers students a re-assessment by an independent, external Assessor holding the minimum vocational Trainer/Assessor qualifications required by the relevant Quality Assurance Framework. Students should note that there may be a small fee involved.

### **Record keeping**

30. Each complaint, appeal and its outcome is recorded in writing on the Complaints and Appeals Register and a diary note is placed in the student file.
31. Verbal complaints that the student does not wish to formalise in writing should be recorded in the Diary Note form to be forwarded to the National Manager and recorded in the student file.
32. In the case where a student wishes to formalise a complaint and appeal as per the Complaints and Appeals Procedure, all documents are kept in the student file and the details recorded in the Complaints and Appeals Register.

### **Actioning Student Complaints**

33. Where the complaints and appeals process (either internal or external) results in a decision supporting the student, the College will immediately implement the decision and/or take the preventative or corrective action required.
34. Regardless of the outcome of the student complaint, the student will promptly be advised in writing of that outcome and the reasons on which the outcome was based. The student's file will be updated with records of the outcome of the student's complaint.

### **Related Forms**

- Complaints and Appeals Forms
- Complaints and Appeals Register
- Assessment Appeals Register

### **Related Policies**

- Satisfactory Course Progress Policy
- Deferring, suspending or cancelling enrolment policy
- Refund policy

### **Related Standards**

- Standards for Registered Training Organisations – Standard 5 – Clause 5.4

