

COMPLAINTS AND APPEALS

Policy: #06.01

Policy Area: Students and Staff

Policy

This policy/procedure supports **RTO Standard 6 and Standard 8** of 'National Code of Practice 2007'. The purpose of this policy is to resolve any difficulties or disagreements as soon as possible and at little or no cost to the student.

Despite all efforts of AFTT to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution.

The following procedures provide students the opportunity to have grievances resolved and resolutions reached in a timely manner at little or no cost.

This policy and its procedures are constructed in accordance with the principles of procedural fairness.

In all cases the following points are to be followed:

- a process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept;
- each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself;
- each party may be accompanied and assisted by a support person at any relevant meetings;
- the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome; and
- the process commences within ten (10) working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.
- If a complainant is unhappy with the outcome of the AFTT process they will be advised of their right to appeal or access an independent complaints and appeals body such as The Overseas Students Ombudsman or ASQA.

All complaints and appeals are treated with strict confidentiality.

All documents are kept in the Complaints and Appeals folder. Access to this folder is limited to relevant staff.

Scope

This policy applies to:

- All RTO operations including any third party or contracted services of the RTO that relate to matters of training and assessment or other relevant educational or support services
- All staff members
- All current and prospective students of AFTT

Procedure

Informal process

Where possible, all non-formal attempts shall be made to resolve the grievance. This may include advice, discussions, and general mediation in relation to the issue and the student's grievance. Any staff can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal the following procedures must be followed.

1.1 General Complaints

- All formal complaints are submitted in writing to the Campus Manager. It is his/her responsibility to deal with the complaint in the first instance. A Complaints & Appeal Lodgement Form is available from the Campus Manager, which can be used to lodge the complaint. Support with filling in this form can be gained from the Campus Director, Course Director or Course Operations Manager. Complaints are to include the following information:
 - Submission date of complaint;
 - Name of complainant;
 - Nature of complaint ;
 - Date of the event which lead to the complaint;
 - Attachments (if applicable)
- Once a complaint is received it is to be entered into the 'Complaints and Appeals Register' which is monitored by the Campus Manager regularly. The information to be contained and updated within the register is as follows:
 - Submission date of complaint;
 - Name of complainant;
 - Description of complaint / appeal;
 - Determined Resolution; and
 - Date of Resolution.
- A complainant may be assisted or accompanied by a support person regardless of the nature of the grievance or complaint.
- The enrolment must be maintained whilst a student is accessing AFTT's Complaints & Appeals process.
- Once a complaint has been filed and logged in the 'Complaints and Appeals Register', the Campus Manager shall notify the relevant Manager (e.g. Course Director or Course Operations Manager) of the complaint and provide any further documentation related to the matter for their consideration
- The Campus Manager shall then refer the matter to the appropriate staff or appoint a small committee to resolve, or make a decision on the complaint at hand within ten (10) working days.
- The student may or may not be asked to present their case in person to the staff/committee asked to resolve the matter.
- If the complainant is asked to present their case they may be assisted or accompanied by a support person.
- The complainant will be kept informed of the processes in place to deal with the complaint.
- Once a decision has been made, the complainant will be given written advice about the outcome, including details of the reasons for the outcome.
- If an outcome favours the complainant, AFTT will immediately implement any decision and/or corrective and preventative action required and advises the complainant of the outcome.
- Copies of all documentation and further action required will be placed into the 'Complaints and Appeals Register' by the Campus Manager.
- If a complainant is unhappy with the outcome, they will be advised of their right to appeal or access an independent complaints and appeals body such as The Overseas Students Ombudsman or ASQA.

1.2 Internal Appeals

All students have the right to appeal decisions made by the AFTT. The areas in which a student may appeal a decision made by the AFTT may include, but are not limited to:

- Assessments conducted;
 - Reported breaches of academic performance;
 - Deferral, suspension, or cancellation decisions made in relation to the student's enrolment;
 - Or any other conclusion that is made after a complaint has been dealt with by the AFTT in the first instance.
- To activate the appeals process the student must complete and submit an Appeal Application which is to include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained. Support with this process can be gained from the Campus Manager, Course Director or Course Operations Manager.
 - As the Campus Manager will have the original complaint, the appeal shall be referred to the CEO. The Campus Manager shall organise a meeting with all parties involved in the matter in order to seek a resolution where appropriate. At the meeting, the student may be assisted or accompanied by a support person of their choice.
 - The process for all formally lodged appeals will begin within ten (10) working days of the appeal being lodged.
 - The Student has the right to formally present their case at minimal or no cost.
 - Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed:
 - *General Appeals (see 1.3)*
 - *Assessment Appeals (see 1.4)*
 - *Appealing decisions to report breach of Visa requirements (see 1.5)*
 - *Appealing deferrals, suspension or cancellation of enrolment decisions (see 1.6)*
 - *External Complaints and Appeals (see 1.7)*

1.3 General Appeals

- The appeal shall be lodged through the Campus Manager, who will ensure the details of the appeal are added to the 'Complaints and Appeals Register' and to the student's file.
- The CEO shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
- For ALL appeals, the process is concluded by students receiving written notice of the outcome and the reasons for the outcome. The 'Complaints and Appeals Register' will be updated accordingly.
- Whilst an appeal is in progress the student's enrolment shall be maintained.
- If an outcome favours the student, AFTT will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome.

1.4 Assessment Appeals

- Where a student wishes to appeal an assessment they are required to notify their Assessor in the first instance. Where appropriate, the Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- If this is still not to the student's satisfaction, the student shall formally complete an Appeal Application Form. They can obtain this form from the Campus Manager and once completed, shall lodge this with the Campus Manager and the appeal shall be entered into the 'Complaints and Appeals Register' and the student's file.
- The relevant Course Director shall be notified and shall seek details from the Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another Assessor appointed by the AFTT.
- For ALL appeals, the process is concluded by students receiving written notice of the outcome and the reasons for the outcome. The 'Complaints and Appeals Register' will be updated accordingly.
- Whilst an appeal is in progress the student's enrolment shall be maintained.
- If an outcome favours the student, AFTT will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome.

1.5 Appealing decisions to report breach of Visa requirements

- Where an international student wishes to appeal the decision of the AFTT to notify DET of a breach of visa requirements, the student shall formally complete an Appeal Application Form within twenty (2) working days. They can obtain this form from the Campus Manager and once completed, shall lodge this with the Campus Manager and the appeal shall be entered into the 'Complaints and Appeals Register' and the student's file.
- The student should have compassionate or compelling circumstances as to why they have breached their requirements and must be able to provide evidence of these circumstances.
- The appeal shall be lodged with the Campus Manager within twenty (20) working days of the date of the notice of intention to report and the appeal shall be entered into the 'Complaints and Appeals Register'.
- The CEO shall be notified and shall seek details regarding the initial documentation of the breach and shall make a decision based on the grounds of the appeal. After meetings and/or interviews are held with all relevant parties the appeal outcome shall be determined.
- Where a student has decided to access the appeals process in relation to a reportable breach, the AFTT will not report the breach until the appeals process has been undertaken. The AFTT is required to maintain all relevant responsibilities until the breach has been reported to DIBP via PRISMS.
- For ALL appeals, the process is concluded by students receiving written notice of the outcome and the reasons for the outcome. The 'Complaints and Appeals Register' will be updated accordingly.
- Whilst an appeal is in progress the student's enrolment shall be maintained.*
- If an outcome favours the student, AFTT will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome.
- If an outcome is to uphold the decision taken by AFTT to report the student. AFTT will provide the student a period of ten (10) working days to lodge the external appeal and submit evidence to AFTT of such appeal. If no such evidence is received AFTT will report student to DET via PRISMS immediately. This cancellation may affect the student visa.

1.6 Appealing deferrals, suspension or cancellation of enrolment decisions

- Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment, the student shall formally complete an Appeal Application Form outlining their reasons, together with supporting evidence for the appeal. They can obtain this form from the Campus Manager and once completed, shall lodge this with the Campus Manager and the appeal shall be entered into the 'Complaints and Appeals Register' and the student's file.
- The CEO shall be notified and shall seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal.
- **International students only:** Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, the AFTT will not update the student's status via PRISMS until the appeals process is completed. The AFTT is required to maintain all relevant responsibilities until the change in enrolment status has been reported to DIBP via PRISMS.
- For ALL appeals, the process is concluded by students receiving written notice of the outcome and the reasons for the outcome. The 'complaints and appeals register' will be updated accordingly.
- Whilst an appeal is in progress the student's enrolment shall be maintained.*
- If an outcome favours the student, AFTT will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome.
- If an outcome is to uphold the decision taken by AFTT to report the student. AFTT will provide the student a period of ten (10) working days to lodge the external appeal and submit evidence to AFTT of such appeal. **International students only:** If no such evidence is received, AFTT will report student to DET via PRISMS immediately. This cancellation may affect the student visa.

*the student enrolment may be suspended summarily if the extenuating circumstances to student welfare exists which includes:

- has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- is at risk of committing or has committed a criminal offence

1.7 External Complaints and Appeals

- If any complaint or appeal remains unresolved after the above procedures have been implemented and the internal appeals process exhausted, the student will be advised of their right to seek assistance from an external third party mediator.

For International students

- AFTT will refer the students to the Overseas Students Ombudsman to lodge an external appeal or complain about this decision. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. The Overseas Students Ombudsman contact details are website <<http://www.oso.gov.au>> or Contact phone 1300 362 072 for more information. This service is free of charge to the student.

For Domestic students

- Domestic students who wish to lodge an external grievance against the Level 2 Interview decision determined through the AFTT Policy #06.01 Complaints and Appeals procedure, can expect AFTT's full cooperation and may make direct contact with:
Community Justice Centres (a free and independent service)
P: 1800 990 777
www.cjc.nsw.gov.au
- Domestic students may also contact ASQA to lodge an external appeal or complain about the decision of AFTT. See <http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>
- Where a decision or outcome of the independent mediator is in favour of the student, AFTT shall implement the required action immediately and advise the student of the outcome.
- A student's enrolment shall be maintained until the external appeals process is finalised.
- This complaints and appeals process does not remove the student's right to take action under Australia's protection laws.

2. Standards Alignment

AFTT must meet the following Standards:

2.1 *Standards for Registered Training Organisation (RTOs) 2015:*

Standard 2.2 (b): The RTO systematically evaluates and uses the outcomes of the evaluations to continually improve the RTO's training and assessment strategies and practices.

Standard 5.2: Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides, in print or through referral to an electronic copy, current and accurate information that enables the learner to make informed decisions about undertaking training with the RTO and at a minimum includes the following content:

5.2 d. (i) the learner's rights, including: details of the RTO's complaints and appeals process required by Standard 6

Standard 6: Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively

2.2 *ESOS National Code Part D:*

Standard 8: Complaints and appeals

3. Associated Documentation

- Complaints and Appeals Register
- Complaints and Appeals Lodgement Form
- Appeal Application Form
- Written Notification template

4. Approval

This policy was updated and approved by the TAC on 11 April 2017.