

## COMPLAINTS AND APPEALS POLICY

### INTRODUCTION:

In accordance with The National Code (Standard 10: Complaints and Appeals) JMD Business Institute trading as State Institute of Training (SIT) must have an internal complaints handling and appeals process in place. Professional, timely, inexpensive and documented complaints handling and appeals processes ensure that grievances between overseas students and registered providers can be heard and addressed. SIT must:

- have and implement a documented internal complaints handling and appeals policy and process;
- advise an overseas student within 10 working days of their right to access an external appeals process and provide contact details, if the overseas student is not satisfied with the outcome of the internal complaints and appeals process; and
- immediately implement any decision or recommendation in favour of the overseas student through the internal or external appeals process.

This policy aligns to the requirements of Standard 6 of the Standards for Registered Training Organisations (RTO's) 2015. This policy ensures that Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively. The purpose of this policy is for State Institute of Training (SIT) to define the system of the principles of natural justice and fairness in place to deal with complaints and appeals involving the conduct of:

- its trainers, assessors or other staff
- Students
- A third party providing services on the SIT's behalf

### DEFINITIONS

**Complaint** – a statement that something is unsatisfactory or unacceptable which requires a systematic or formal resolution. A “Complaint” is where a prospective student, enrolled student or staff registers a formal complaint, in writing, concerning the manner (or behaviour) in which SIT or its staff (including Trainers/Assessors, Administrative Staff or Educational Agents) deals with or provides educational or marketing services to any of these groups. This also includes student amenities, discrimination, sexual harassment, bullying or any other issue that may arise when enrolling or studying at SIT. Complaints can include but not limited to the following;

- Enrolment process
- Marketing Processes
- The quality of the training delivery
- Assessment outcomes/including recognition of prior learning
- Issuing of results, certificates and /or statements of attainment
- Any other activities associated with the delivery of training and assessment services
- Conduct of the RTO
- Conduct of other students
- Issues arising from third party providers on behalf of the RTO

- Other issues such as; discrimination, sexual harassment, victimisation, disability discrimination and bullying

**Appeal** – to apply to SIT or a higher authority or external body for review of how a complaint process was handled or in relation to an unfavourable decision made against them. An “Appeal” is where prospective student, enrolled student or staff registers a formal appeal, in writing, relating to a decision made by SIT or their staff (including Trainers/Assessors, Administrative Staff or Educational Agents) dealing with, but not limited to, educational or enrolment services, provided to any of these groups and refund applications. This includes requests to challenge an assessment decision.

### **External Appeal**

A request for an independent, external review of a decision and handling of a particular scenario.

### **Australian Skills Quality Authority (ASQA).**

The Australian Skills Quality Authority (ASQA) is the national regulator for Australia’s vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.

- ASQA can investigate complaints about:
- the quality of the training that you receive
- registered training organisations that you believe have breached the [required standards](#)
- training providers delivering [English Language Intensive Courses for Overseas Students \(ELICOS\)](#) that you believe have breached the required standards
- the marketing/advertising practices of organisations claiming to be registered training organisations, or to offer nationally recognised training.

### **Overseas Student Ombudsman (OSO) (Only applicable for International Students)**

The Overseas Students Ombudsman investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The legal basis for the Ombudsman role is the Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011, passed by the Australian Parliament on 21 March 2011.

The Ombudsman:

- provides a free service
- is independent and impartial, and does not represent either overseas students or private education providers
- can make recommendations arising out of investigations
- is a function of the Commonwealth Ombudsman

### **The Ombudsman can only investigate a complaint if:**

- it relates to a private education provider registered with the Australian Government on the Commonwealth Register of Institutions and Courses for Overseas students (CRICOS)
- the problem relates to an overseas student who is already studying in Australia on a student visa or is intending to come to Australia soon.

### **The Ombudsman cannot investigate a complaint if:**

- it relates to a public or government education provider. These complaints can be directed to the Ombudsman for your state or territory.

**The Ombudsman may also decide not to investigate complaints if:**

- the complaint has not first been raised with the education provider
- another organisation is better able to help.

In defining these SIT believes that it can ensure that both are addressed in terms of clarity and efficiency; and where appropriate use the outcomes of these processes to continually improve, but not limited to, SIT's training and assessment strategies and practices and the provision of the educational services it provides to the VET Sector as an ASQA registered Educational Provider

## **POLICY**

SIT's complaints policy and appeals policy:

- ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
- are publicly available
- set out the procedure for making a complaint or requesting an appeal
- ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable
- provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

### **Responsibility**

The CEO is responsible for ensuring this policy and procedure is implemented and executed accurately and effectively.

Management Team handles all complaints and appeals relevant to their area of responsibility.

Trainers and Assessors

- Operate in accordance with SIT Complaints and Appeals
- Refer any formal complaints to the relevant management member

Administration Staff

- Maintain the complaints and appeals register, in conjunction with the management team

## **PROCEDURE**

### **Principles of resolution**

SIT is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, SIT ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner.
- Are responded to promptly, objectively, with sensitivity and confidentiality.
- Are able to be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

**Timeframes for resolution**

- The review process of a complaint or appeal is to commence within Five (5) working days of complaint or appeal lodgement.
- Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer.
- Where SIT considers more than 60 calendar days are required to process and finalise the complaint or appeal, it will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required.
- It will also regularly update the complainant or appellant on the progress of the matter.

**Records of complaints and appeals**

SIT will maintain a record of all complaints and appeals and their outcomes on the Complaints and Appeals Register, which will be securely stored according to the Privacy Policy and Procedures.

**Making a complaint or appeal**

Complaints about a particular incident should be made within ninety (90) calendar days of the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.

**Informal Complaint Procedure**

- The initial stage of any complaint or feedback will be when the client directly communicates with the relevant SIT staff member and raises the issue/s at hand.
- The SIT staff member will attempt to provide a solution to the issue presented.
- If the client is dissatisfied with the solution presented, they may initiate the formal complaint process.

**Formal Complaint or Appeal Procedure**

- The informal complaint procedure must be explored first.
- A Formal Complaint or Appeal Form must be completed. This form is available on SIT website and at the SIT reception.
- A formal complaint or appeal will be at zero cost to the complainant/appellant
- When making a complaint or appeal, provide as much information as possible to enable SIT to investigate and determine an appropriate solution. This should include:
  - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
  - Any evidence you have to support your complaint or appeal.

- Details about the steps you have already taken to resolve the issue.
- Suggestions about how the matter might be resolved.
- The form can be lodged using any one of the following methods;
  - In person on Campus (Reception or relevant Management Member)
  - By Email - info@sit.vic.edu.au
  - By Post to the office address

### **Resolution of complaints and appeals**

- Once the complaint or appeal is received, the CEO will convene an independent panel to hear the complaint; called the (complaint and appeals committee).
- The independent panel shall not have had any previous involvement with the complaint or appeal. This panel will include;
  - The CEO
  - Another SIT staff member
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.
- In all other cases the complainant/appellant will be contacted within Ten (10) working days of the complaint been received and a time will be organised for them to attend a meeting with the complaint committee.
- The CEO will seek approval from the complainant/appellant and member of staff to have both parties present at this meeting.
- If either party objects, both parties will be heard on the same day at different times to ensure the respect and comfort of all parties involved.
- The client will be given the opportunity to present their case to the committee and is welcome to bring a support person to this meeting.
- The complainant/appellant will have appropriate access to his/her records, following SIT Records Management Policy.
- The relevant staff member shall be given the opportunity to present their case to the committee and is welcome to bring a support person to this meeting.
- The complaints and appeals committee will review all evidence presented at the meeting and make a decision regarding the complaint or appeal. The resolution time is 30 days.
- This decision will be communicated in writing to all parties involved within five (5) working days of making the decision. This will include details of the reasons behind the decision.
- SIT will maintain the student's enrolment of the complainant/appellant during the Complaints and Appeals process.
- Decisions or outcomes in the favour of the complainant/appellant shall be implemented immediately.
- Complaints and Appeals will be handled in strict confidence.
- Complaints and appeals will be considered based on procedural fairness and lead to opportunities for improvement as a Continuous Improvement Report.
- Should the complainant or appellant be dissatisfied with the outcome of this process, SIT must advise the overseas student of their right to access an external complaints handling

and appeals process at minimal or no cost. This advice must be given to the overseas student within 10 working days of the completion of the internal complaints handling and appeals process.

- SIT must not report the overseas student through Provider Registration and International Student Management System (PRISMS) for unsatisfactory course progress or attendance until the overseas student has accessed the internal and external complaintshandling and appeals process, and the decision or recommendation supports the decision of SIT.

### **Independent parties**

- SIT acknowledges the 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 independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by SIT.
- SIT may also appoint the independent party to be involved in the resolution of a complaint or appeal where it is deemed necessary.
- SIT will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
- The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

### **External Complaints and Appeals**

In the case where the complainant or appellant be dissatisfied with the outcome of the SIT Complaints and Appeals process, external mediation and resolution is available. In most cases, the purpose of the external appeals process is to consider whether the registered provider has followed its policies and procedures, rather than make a decision in place of the institution.

### **Overseas Student Ombudsman (For International Students)**

- **Online:** A student can make a complaint online by visiting the website of Ombudsman and completing the online complaint form at <http://www.oso.gov.au>.
- **Telephone:** Students can contact OSO by telephone, 9am to 5pm Monday to Friday, Australian Eastern Standard Time (AEST). In Australia, call: 1300 362 072 (calls from mobile phones at mobile phone rates). Outside Australia, call +61 2 6276 0111
- **Using an interpreter:** If a student wants to make a complaint in his/her own language then they can call the Translating and Interpreting Service (TIS) in Australia on 131 450, outside Australia call +61 3 9203 4027. OSO will pay for the interpreter.
- **If you are deaf, hearing or sight impaired:** Students can contact OSO via the National Relay Service. Teletypewriter (TTY) users phone 133 677 and then ask for 1300 362 072. Speak and Listen users phone 1300 555 727 and then ask for 1300 362 072. Internet Relay users connect to the National Relay Service [www.iprelay.com.au](http://www.iprelay.com.au) and then ask for 1300 362 072

- **Fax:** Students can send a fax to OSO (Within Australia: 02 6276 0123. Outside Australia: +61 2 6276 0123)
- **Mail:** Students can write a letter and post it to: Overseas Students Ombudsman GPO Box 442 Canberra ACT 2601 AUSTRALIA

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The Australian Skills Quality Authority (ASQA) is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met. ASQA can investigate complaints about:

- the quality of the training that you receive
- registered training organisations that you believe have breached the [required standards](#)
- the marketing/advertising practices of organisations claiming to be registered training organisations, or to offer nationally recognised training.

However, ASQA will only use the information you provide to inform its regulatory approach and will not contact SIT on behalf of the complainant or act as their advocate. For more information, refer to the following webpage: <http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>

#### **National Complaints Hotline:**

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.

For more information about the National Complaints Hotline, refer to the following webpage:

<https://www.education.gov.au/NTCH>

#### **Contact a solicitor; or Legal Aid**

Nothing in this policy or corresponding procedure inhibits the student or staff's right to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies, however these expenses will be borne by the student. Students wishing to take this course of action are advised to:

- Contact a solicitor; or
- Contact Legal Aid [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)
- Contact the Law Institute of Victoria for a referral to a solicitor (470 Bourke St Melbourne, ph: 9602 5000, [www.liv.asn.au](http://www.liv.asn.au)); or

#### **Publication**

This policy and procedure will be published in the Student Handbook and on SIT's website.