

P.31V6 – Complaints and Appeals Policy

Purpose

The purpose of this procedure is to define the system of the principles of natural justice and fairness in place to deal with complaints and appeals involving the conduct of: (Standard 6, Clause 6.1-6.6).

- the RTO, its trainers, assessors or other staff
- a third party providing services on the RTO's behalf, its trainers, assessors or other staff or
- a learner of the RTO

1.0 Responsibility

- 1.1 The CEO is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

2.0 Definition

- 2.1 A complaint or appeal is deemed to be dissatisfaction with the processes, outcome or quality of service provided by employees of the BIC, a third party or other students. Grievance is an actual or supposed circumstance regarded as a just cause for the complaint. This will be included in complaints.

Examples of complaints include the following:

- Enrolment process
- 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 in regards to its recipients
- 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

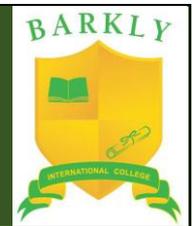
- 2.2 A complaint or appeal is deemed to be formal when it is made in writing to Barkly International College who will then formally acknowledge this in writing.
- 2.3 An Appeal is a request to have a decision reviewed. The decision to be reviewed may be as a result of an academic result (e.g. grading), an Administrative Decision (e.g. Letter of Release), or as a result of a formal review of a complaint (based on this policy)
- 2.4 An External Appeal is to a 3rd party engaged to review that Barkly International College process documented here has been correctly followed and the appellant has been treated fairly in accordance with that policy. An external appeal is not available until the entire internal processes have been exhausted.

3.0 Requirements

- 3.1 Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using this procedure.
- 3.2 The procedure will be implemented at no cost to the student.

Document Information

Title:	P.31V6 Complaints and Appeals Policy		Version No:	V6.0
Author:	Barkly International College Pty Ltd		Date Created:	January 2012
Reviewer:	Evelin Cruz	Date reviewed:	December 2016	Next Review date: December 2017



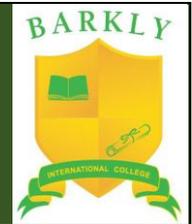
- 3.3 All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
- 3.4 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.
- 3.5 Students will be provided with details of external authorities they may approach, if required
- 3.6 At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- 3.7 Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
- 3.8 All formally submitted complaints or appeals are submitted to BIC Administration Manager regarding any administration concerns or the Training and Compliance Manager regarding any assessment results or delivery issues. It is their responsibility to deal with the complaint in the first instance.

Complaints are to include the following information:

- Submission date of complaint
 - Name of complainant;
 - Nature of complaint;
 - Date of the event which leads to the complaint
 - Attachments (if applicable);
- 3.9 Once a formal complaint is received it is to be entered into the 'Complaints and Appeals Register' monitored by the Training and Compliance Manager regularly. The information to be contained and updated within the register is as follows:
 - Name of complainant;
 - Description of complaint / appeal
 - Determined Resolution; and
 - Date of Resolution
 - 3.10 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 and the record of the complaint and outcome will be placed in the student file.
 - 3.11 A student's enrolment must be maintained whilst a complaint or appeal is in progress and the outcome has not been determined except in cases where the provider is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment.
 - 3.12 In cases where the provider is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment the provider only needs to await the outcome of the internal appeals process (supporting the provider) before notifying PRISMS of the change to the student's enrolment.
 - 3.13 The College 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

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- 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 College.
- 3.14 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 at the BIC management meeting as part of the continuous improvement process.
 - 3.15 Where BIC considers more than 60 calendar days are required to process and finalise the complaint or appeal, BIC will ensure:
 - the complainant or appellant is informed in writing, including reasons why more than 60 calendar days are required, and
 - will regularly update the complainant or appellant on the progress of the matter
 - 3.16 Nothing in this procedure inhibits student’s rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.
 - 3.17 Should the complainant or appellant be dissatisfied with the outcome of this process, external mediation and resolution is available. A request for external mediation or dispute resolution must be made in writing.

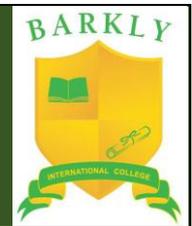
External appeal process

- 3.18 The purpose of the external appeals process is to consider whether the College has followed its student complaint and appeals procedure, not to make a decision in place of the College. **For example, if a student appeals against his or her subject results and goes through the College 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.**
- 3.19 For external complaints and appeals the independent mediator will be the third party.
- 3.20 The external appeals procedure will be determined by the independent mediator.
- 3.21 Following the receipt of the outcome of the external appeal the College must immediately implement the decision, convey the outcome to the student , place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint
- 3.22 If an appeal is against a College decision to report the student for unsatisfactory course progress the College must maintain the student’s enrolment (i.e. not report the student for unsatisfactory progress) until the external appeals process is complete and has supported the provider’s decision to report.
- 3.23 If an appeal is against a College decision to defer or suspend a student’s enrolment due to misbehaviour or to cancel a student’s enrolment the College only needs to await the outcome of the internal appeals process (supporting the provider) before notifying PRISMS of the change to the student’s enrolment.
- 3.24 For matters in relation to the Australian Skills Quality Authority (ASQA’s) Standards For Registered Training Organisations 2015 the complainant or appellant may take their matter to;
 - Australian Skills Qualification Authority
 - GPO Box 9928, Melbourne, VIC 3001

<http://www.asqa.gov.au/complaints/make-a-complaint---overseas-students/make-a-complaint---overseas-students-1.html>

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<http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>

3.25 For all other matters, the following people/organisations are available:

- 1) Overseas student OMBUDSMAN
Level 1
441 St Kilda Road
Melbourne VIC 3004

1300 362 072* within Australia
Outside Australia call +61 2 6276 0111

ombudsman@ombudsman.gov.au
- 2) Contact a solicitor; or
- 3) Contact the Law College of Victoria, 470 Bourke St Melbourne 3000, and telephone 9602 5000 for a referral to a solicitor

4.0 Method

Informal Complaint Process

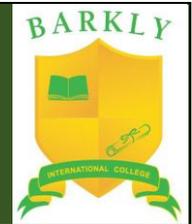
- 4.1 Any student with a question or complaint may raise the matter with staff of the Registered Training Organisation and attempt an informal resolution of the question or complaint.
- 4.2 Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the College staff member involved determines that the issue question or complaint was relevant to the wider operation of the College.
- 4.3 Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

Formal Complaint Process

- 4.4 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so. To register a formal complaint a student must complete the student complaint form and contact the College Administration Manager to arrange a meeting. At this meeting the complaint can be raised and a resolution attempted.
- 4.5 The following matters must be lodged as formal complaints within 20 working days of notification of an intention to report the student to DIBP in order to be considered by the College.
 - Deferral of commencement, suspension or cancelling a student enrolment
 - Non achievement of satisfactory course progress
- 4.6 At the stage of the complaint meeting the complaint must be recorded in writing and signed and dated by the complainant and the Administration Manager. The complaint is recorded in writing by completing the student complaint form prior to the meeting or a new document can be prepared and signed during the meeting.
- 4.7 The 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.

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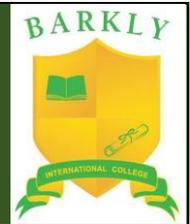
- 4.8 A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
- 4.9 At the end of the resolution phase the Training Manager will report the College decision to the student. The College decision and reasons for the decision will be documented by the Training Manager and placed in the students file. A copy of this document will be provided to the student.
- 4.10 Following the resolution phase the College will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint
- 4.11 If a student is dissatisfied with the outcome of the formal complaint process then they may institute an internal appeals process by completing the appeals form.

Internal Appeal Process

- 4.12 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 College.
- 4.13 A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- 4.14 The appeals process is initiated by a student completing the student appeals form.
- 4.15 The appeal resolution phase must commence within 15 working days of the internal appeal being lodged in writing.
- 4.16 A maximum time of 20 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.
- 4.17 After a student makes an internal appeal, the registered training organisation will appoint a person or body to hear the appeal and propose a final resolution. This person or body must not be the same as any person or body that heard the original complaint
- 4.18 Students appealing an assessment or RPL outcome will be given the opportunity for reassessment by a different assessor selected by the College. Costs of reassessment will met by the College. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.
- 4.19 The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and the College and placed in the student file. A copy of this document will be provided to the student.
- 4.20 Following the internal appeals phase the College will implement the decision as conveyed to the student and undertakes any improvement actions arising from the complaint.
- 4.21 There are no further avenues within the College for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available
- 4.22 If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the student has right to access the external appeals process. The cost will be borne by the applicant.

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Related Documents

- F.16V01 Complaint Form
- F.14V01 Appeal Form
- Process Map P31 Complaints and appeals

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