

COMPLAINTS AND APPEALS POLICY AND PROCEDURE - AIAS

1 PURPOSE

To outline the policy and procedures for student complaints and appeals, where these have not been able to be resolved informally as Grievances.

2 SCOPE

This policy applies to all students enrolled within Vocational Education and Training (VET) courses of study offered by the Registered Training Organisation, Study Group Australia Pty Limited, trading as the Australian Institute of Applied Sciences.

3 TERMS AND DEFINITIONS

- a. **Grievance** - a grievance is a concern about academic matters, perceived discrimination, a situation, a process, a person or people, a facility or a support service provided by the Australian Institute of Applied Sciences ('the Institute'), which the student brings to the attention of the Institute in an informal way, i.e. it is spoken about, not written down.
- b. **Complaint** – 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.
- c. **Complainant** – student or potential student lodging the grievance or complaint.
- d. **Assessment Appeal** - neither a grievance nor a complaint is about dissatisfaction in relation to an assessment process or outcome; that is an Assessment Appeal and is addressed under a separate policy.
- e. **Appeal** – if a student is dissatisfied with a decision made by the Institute, he/she has twenty (20) working days from the date stated within the written notification in which to lodge an appeal to have the case reviewed. This includes decisions relating to complaints outcomes and assessment appeals, as well as notifications of unsatisfactory academic progress, unsatisfactory attendance, misbehaviour, refusals of transfer applications, and/or pending cancellation of enrolment.

4 COMPLAINTS AND APPEALS POLICY

A complaint can be defined as a person's expression of dissatisfaction with any aspect of the Institute's services and activities. A complaint may be an expression of dissatisfaction with:

- a. **academic matters** such as the provision of training and assessment within a VET course of study, including quality of teaching, classroom issues, availability and standard of instructional resources, course content, student progress, scheduling, training facilities and discrimination; and
- b. **non-academic matters** relating to the provision of support services such as those associated with the enrolment process, bursar functions, job placement assistance, handling of personal information and access to personal records.

The Institute is committed to maintaining an effective, timely, fair and equitable complaint handling system which is easily accessible and offered to complainants at no charge for internal review of a complaint or appeal, and at a reasonable cost for the external review of an appeal. This system can be utilised by eligible students, including potential students enrolled or seeking to enrol in a VET course of study with the Institute, to submit a complaint of an academic or non-academic nature.

The Institute aims to:

- a. maintain a culture that views complaints as an opportunity to improve the organisation and how it works;

- b. operate a complaints handling system that is client-focussed and helps the Institute to prevent complaints from recurring;
- c. ensure that any complaints are resolved promptly, objectively and with sensitivity and in complete confidentiality; and
- d. ensure that there is a consistent response to complaints.

Students or potential students are entitled to access the Complaints and Appeals process regardless of the location of the campus at which the grievance has arisen, their place of residence, or the mode in which they study. However, the Institute is unlikely to consider a complaint from a former student whose enrolment was finalised six (6) months or more prior to the time of lodging the complaint unless special circumstances apply.

The dispute resolution process described in this policy does not prevent an overseas student from exercising the student's rights to other legal remedies.

5 COMPLAINTS AND APPEALS PROCEDURE

5.1 General Information

All students or potential students can access the four (4) stages of the Complaints and Appeals procedure. During each stage the Institute will take all possible steps to ensure that:

- a. the complainant and the respondent will not be victimised or discriminated against;
- b. the complainant has an opportunity to formally present his/her case and each party to the complaint may be accompanied and assisted by a support person at any internal meetings, including an Internal Case Review;
- c. detailed written explanations are provided of decisions and actions taken as part of the process; and
- d. where the internal or external complaint handling or appeal process result in a decision that supports the complainant, the Institute immediately implements any decision and/or corrective and preventive action required and advises the complainant of the outcome in writing.

There is no cost to the complainant for utilising the internal complaints and appeals process; however, there may be a specified cost for utilising the external part of the process.

5.2 Stage 1: Resolving Grievances

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 honestly to the lecturer about his/her concerns.

If the student or potential 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, then he/she may discuss the issue with any of the following, depending on the nature of the complaint, i.e. academic or non-academic: (a) Customer Service Officer; or (b) Student Services Officer; or (c) relevant Faculty Head. He/she may be accompanied or assisted by a support person during this process.

The grievance will be dealt with in a reasonable time. Every effort will be made to ensure this is within fourteen (14) days of receipt of the grievance. The complainant and any other person(s) directly concerned will be provided with a written report summarising the actions that were taken or will be taken to resolve the issue.

If the complainant is not satisfied with the outcome, a formal complaint can be lodged under this policy.

5.3 Stage 2: Lodging a Formal Complaint

To commence the formal process, the complainant must complete a *Complaint Lodgement Form* (available from Student Services) or write a letter and send it to the Institute Director at the campus at which he/she is studying or applying to enrol. (The

name and office location of the Institute Director will be provided during Orientation, displayed on the Institute's noticeboards and readily obtainable from Student Services.)

The following information needs to be provided in writing:

- a. 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 and why the responses received are not considered satisfactory; and
- d. what the complainant thinks needs to be done to address his/her concerns.

The Institute Director will commence the process of considering the complaint within fourteen (14) days of receiving the written Complaint Lodgement Form or letter, and will acknowledge receipt of the complaint in writing to the complainant. He/she will ensure all steps are taken to resolve the complaint as soon as practical.

What happens then?

In considering the complaint, the Institute Director will arrange a meeting with the complainant to enable formal presentation of the case. The complainant may be accompanied or assisted by a support person at any such meeting.

The complaint will be investigated by the Institute Director who will discuss the issues with the person(s) concerned, and may confer with the relevant staff. If he or she considers that the complaint is upheld, then he/she will immediately notify relevant staff to implement the actions required to resolve the complaint. The complainant will be provided with a written report of the steps taken to address the complaint within twenty (20) working days of the commencement of the complaint process.

If the complaint is not upheld, then the complainant will be given a written explanation detailing the reasons for that decision. The complainant will also be advised of his/her right to access the internal appeals process if not satisfied with the outcome of the formal complaint.

The Institute Director will retain a written record of the complaint and its outcome.

5.4 Stage 3: Lodging an Internal Appeal

If a student is dissatisfied with a decision made by the Institute, he/she has twenty (20) working days from the date nominated in the written notification by the Institute in which to lodge an Internal Appeal to have the case reviewed at no cost to the student. This includes decisions relating to the outcomes of complaints and assessment appeals, as well as notifications of unsatisfactory academic progress, unsatisfactory attendance, misbehaviour, refusal to provide a Letter of Release, and/or pending cancellation of enrolment by the Institute.

Appeals should be lodged in writing on an *Appeal Request Form*, available from Student Services, or in a letter.

The appeal will be considered by the Chief Executive Officer, who may decide:

- a. to make a determination based on the information provided;
- b. to establish an Internal Case Review Panel; or
- c. that there are insufficient grounds to take further action, thus concluding the consideration of the matter under these internal appeals procedures.

The student will be advised in writing of this decision and the reasons for it. If the decision is for an Internal Case Review Panel, the student will be informed of the membership of that panel, and the procedure to be followed, at least fourteen (14) working days in advance of the review date.

The Internal Case Review Panel will consist of the Chief Executive Officer or his/her nominee (in the Chair), a Faculty Head (for a VET course of study other than the one in which the student is enrolled) or his/her nominee, and another senior member of the Institute staff (who is not one of the student's teachers).

The review will be conducted in private and all relevant facts will be taken into consideration. The student may attend and be accompanied by a friend or representative who may speak and act on his/her behalf, including providing evidence. If the complaint involves another person(s), they will also be invited to present their case to the panel. A written record of the meeting will be taken.

The student will be notified of the decision of the Internal Case Review Panel in writing within five (5) working days of the decision. If the appeal is upheld he/she will be informed of the action to be taken to resolve the matter. The Institute will immediately implement any decision and/or action required.

If the complaint is not upheld, then he/she will be given a written explanation including the reasons for that decision, and advising of his/her right to access the external appeals process if not satisfied with the outcome of the Internal Appeal.

5.5 Stage 4: External Case Review

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection Laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

5.5.1 Local Students Enrolled in Courses that are not VET FEE-HELP Eligible

In the event of the complainant remaining dissatisfied with the result or conduct of the Institute's internal procedures for handling of a complaint, he/she has the right to access an external appeals process at minimal cost. This is to occur within twenty (20) working days from the date nominated in the written outcome of the Internal Appeal, unless special circumstances apply.

If the External Case Review process supports the complainant, the Institute will immediately implement any recommendations, and advise him/her in writing. When appropriate, these recommendations will be incorporated into the Institute's policies and procedures for implementation ensuring the continuous improvement of service and quality education to students.

If the complaint is not upheld, the complainant will be given a detailed written explanation by the external reviewer. It will include the reasons for that decision.

5.5.2 VET FEE-HELP Students

If a student who is, or would be, entitled to VET FEE-HELP assistance is not satisfied with a decision made by the Institute's Internal Case Review Panel, he/she may apply to the Administrative Appeals Tribunal (AAT) for a review of that decision.

Such students may have to pay an application fee; it depends on the circumstances. The application cannot proceed until the application fee has either been paid or waived. The application fee is refunded when the review is completed if the AAT decides that it is finalised in the student's favour. (For the purposes of providing a guide, the full application fee as of 1 January 2011 is \$777.)

Further information about the AAT, including the required application forms and current costs, can be obtained from their website at:

<http://www.aat.gov.au/AboutTheAAT/IntroductionToTheAAT.htm>.

LOCATION AND CONTACT DETAILS OF THE ADMINISTRATIVE APPEALS TRIBUNAL OFFICES	
Queensland	
Street Address Level 4, Harry Gibbs Building Commonwealth Law Courts 119 North Quay Brisbane QLD 4000 Postal Address Administrative Appeals Tribunal GPO Box 9955 Brisbane QLD 4001	DX Address DX 253 Brisbane Telephone (07) 3361 3000 (metropolitan area) 1300 366 700 (country areas) Fax (07) 3361 3001 Email Brisbane.Registry@aat.gov.au
New South Wales	
Street Address Level 7, City Centre Tower 55 Market Street Sydney NSW 2000 Postal Address Administrative Appeals Tribunal GPO Box 9955 Sydney NSW 2001	DX Address DX 10200 Sydney Stock Exchange Telephone (02) 9391 2400 (metropolitan area) 1300 366 700 (country areas) Fax (02) 9283 4881
Victoria	
Street Address Administrative Appeals Tribunal Level 16, HWT Tower, Southgate 40 City Road Southbank VIC 3006 Postal Address Administrative Appeals Tribunal GPO Box 9955 Melbourne VIC 3001	DX Address DX 108 Melbourne Telephone (03) 9282 8444 (metropolitan area) 1300 366 700 (country areas) Fax (03) 9282 8480

5.5.3 International Students

International students who wish to lodge an external appeal or complain about a decision made by the Institute, can contact the Overseas Students Ombudsman. This is a free and independent service for overseas students. For further information, visit the Overseas Students Ombudsman website www.oso.gov.au or phone 1300 362 072.

5.5.4 International Students Based in Queensland

An overseas student, who is seeking assistance to resolve a dispute with a Queensland registered provider, should first exhaust the Institute's internal dispute resolution process.

If not satisfied with this process, he/she should contact the Overseas Student Ombudsman or contact the Dispute Resolution Branch of the Department of Justice and Attorney-General. There are six (6) Dispute Resolution Centres throughout Queensland.

The **Brisbane Dispute Resolution Centre** is located at:

Level 1
 Brisbane Magistrates Court
 363 George Street
 BRISBANE QLD 4000
 Telephone: +61 7 3239 6269 or 1800 017 288 (toll free outside Brisbane).

If an overseas student has a concern about the conduct of a CRICOS registered provider in Queensland, he/she may address the concerns in writing, to the International Quality Unit (CRICOS). It is important to note that the role of the International Quality Unit (CRICOS) is not to act on behalf of the student to resolve a complaint, but to ensure that the registered provider is compliant with the requirements of CRICOS registration.

To assist the International Quality Unit (CRICOS) in investigating those concerns, the student needs to supply in writing a detailed outline of his/her experience, including any steps taken with the provider to address the problem.

Please note the complaint will be treated with absolute confidentiality, unless the student gives that department written permission to discuss the particular situation with the education provider.

6 APPEALS AGAINST CANCELLATION OF ENROLMENT

6.1 Local Students

The Institute will maintain the student's enrolment while the internal complaints handling processes and the External Case Review process are ongoing.

6.2 International Students

The reporting of an international student has serious consequences for the student's visa – it may result in its automatic cancellation. Therefore, if the appeal is against the Institute's decision to report the student for:

- a. unsatisfactory academic progress, or
- b. unsatisfactory attendance,

the Institute will not report the student until the External Case Review process is complete, and findings have supported the Institute's decision.

If the appeal is against the Institute's decision to:

- a. defer or suspend a student's enrolment due to misbehaviour, or
- b. to cancel the student's enrolment due to misbehaviour,

the Institute will only wait for the outcome of the internal appeals process to ensure it supports the Institute, before notifying the Department of Education, Employment and Workplace Relations (DEEWR) of the change to the student's enrolment status.

Once DEEWR has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:

- a. leave Australia; or
- b. show the Department of Immigration and Citizenship (DIAC) a new Confirmation of Enrolment; or
- c. provide DIAC with evidence that he or she has accessed an external appeals process.

7 MONITORING

Without breaching confidentiality, all formal complaints and their associated responses and outcomes will be monitored by the Managing Director of Study Group Australia Pty Limited (or nominee).

8 RECORD KEEPING AND CONFIDENTIALITY

Records of all complaints handled under this procedure and their outcomes will be maintained for a period of at least five (5) years to allow all parties to the complaint appropriate access to these records, upon written request to the Institute Director. Records of complaints will be maintained at the last campus at which the student studied or in the case of prospective students at the campus to which he/she applied.

All records relating to complaints and their outcomes will be treated as confidential and will be kept in a separate file in a secure environment in accordance with the Institute's Records Management and Privacy and Personal Information Policies and Procedures.

9 PUBLICATION

This Policy and Procedure was ratified and approved by the Board of Directors on 11 July 2011.

This Policy and Procedure will be disseminated by publication in the *Student Handbook* and on the Institute's website. This Policy and Procedure will also be discussed at Student Orientation.

For the purposes of communicating to and training staff, this Policy and Procedure will form part of the induction process and will be published on the Staff Web Portal.

9.1 Version Information

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