



SC4: Complaints and Appeals Policy & Procedure

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Purpose

The purpose of this policy and procedure is to outline Australian Smart College Pty. Ltd. (ASC) approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensure compliance with Standard 6 of the Standards, as well as compliance with the standards of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, Standard 10.

RTO Standards 2015 Standard 6. Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

National Code: Standard 10: The registered provider must have and implement a documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.

Definitions

ASQA means Australian Skills Quality Authority, the national VET regulator and the RTO's registering body

Appeal means a request for a decision made by ASC to be reviewed

DET means Department of Education and Training

Complaint means a person's formal expression of dissatisfaction with any product or service provided by ASC.

PRISMS mean Provider Registration and International Students Management System

Services means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support



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Standards means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework

Policy

1. ASC responds to all complaints and appeals involving the conduct of:
 - ASC, its trainers and assessors and other staff.
 - Any third-party providing Services on behalf of ASC.
 - Any student or client of ASC.
2. Complaints may be made in relation to any of ASC services and activities when the party involved e.g. student does not agree with a final decision made by ASC such as:
 - the application and enrolment process.
 - marketing information.
 - the quality of training and assessment provided.
 - training and assessment matters, including student progress, student support and assessment requirements.
 - the way someone has been treated.
 - the actions of another student.
 - the actions of any associated third party.
 - outcome of CT and RPL.
 - outcome of Cancellation and Refund requests.
3. Appeals may be made to request that a decision made by ASC is reviewed. Decisions may have been about:
 - course admissions.
 - refund assessments.
 - response to a complaint.
 - assessment outcomes / results.
 - other general decisions made by ASC.
4. ASC is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice.
5. The requesting or lodging party has the opportunity to:
 - a. Lodge an informal appeal or complaint in the first instance by communicating with the relevant ASC representative – at no cost to the student.
 - b. If the matter cannot be resolved informally, lodging a formal complaint or appeal which requires the completion of an Appeals and Complaints Form- ASC to respond in writing within 10 working days of lodgement.



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- c. Participating in the Internal Dispute Resolution Process in the first instance – which will involve formal meetings and the provision of evidence – at no cost to the student (with or without support or legal representation as decided independently by all parties – at party cost as this is optional).
- d. If the matter cannot be resolved through the Internal Dispute Resolution Process then moving to resolution through an External Dispute Resolution Process– which will involve formal meetings and the provision of evidence, with or without support or legal representation as decided independently by all parties at party cost.

At all stages Outcome Letters detailing agreements and actions will be provided by ASC.

- 6. If the matter cannot be resolved informally, a process is in place for lodging a formal complaint or appeal. Through this policy and procedure, ASC 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.
- Enable the complainant or appellant to be accompanied by a support person at any meetings that occur during the process.
- 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.

- 7. ASC acknowledges the need for students 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 ASC.

Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Students Ombudsman (OSO). This service is free of charge.

- 8. Formal Complaints and appeals must be made in writing using the appropriate forms as follows:

Non Academic Appeals and Complaints e.g. for: harassment, vilification, discrimination, financial matters, fines and payments, application procedures, exclusions from events and facilities., attendance, finances, behaviour of any party, third parties, registration/enrolment application outcomes, deferment and transfer outcomes: ADM-01-14b_Non Academic Formal Complaints and Appeals Form_V3_February_ IA 2020

Academic Appeals and Complaints e.g. student progress, curriculum and awards, Assessments, assessment outcomes, assessment conditions, RPL outcomes, CT Outcomes: in a course.

ADM-01-14a_Academic Formal Complaints and Appeals Form_V3_February_2020 IA

and sent to ASC at 7 Greenfield Parade, Bankstown NSW 2200 Australia, attention: Administration Office.

When making a complaint or appeal, provide as much information as possible to enable ASC to investigate and determine an appropriate solution. This should include:



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- The issue the student is complaining about or the decision against is appealing – describing what happened and how it affected the student.
 - Any evidence to support the complaint or appeal.
 - Details about the steps already have been taken to resolve the issue.
 - Suggestions about how the matter might be resolved.
9. Some or all members of the management team of ASC will be involved in resolving complaints and appeals as outlined in the procedures. Where a third-party delivering Services on behalf of ASC is involved, they will also be included in the process of resolving the complaint or appeal.
10. Where a student chooses to access this policy and procedure, ASC will maintain the student's enrolment while the complaints/appeals handling process is ongoing.
11. The enrolment status of student will be handled as follows:
- For domestic students that choose to access this policy and procedure, ASC will maintain the student's enrolment while the complaints and appeals process is ongoing.
 - For international students, ASC will maintain a student's enrolment throughout the internal appeals processes without notifying DHA via PRISMS of a change in enrolment status. In the case of an external appeals process it will depend on the type of appeal as to whether ASC maintains the student's enrolment as follows:
 - If the appeal is against ASC decision to report the student for unsatisfactory course progress or attendance, the student's enrolment will be maintained until the external process is completed and has supported or not supported ASC decision to report.
 - If the appeal is against ASC decision to defer, suspend or cancel a student's enrolment due to misbehaviour, ASC will notify DHA via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process.
12. Complaints and appeals will be finalised as soon as practically possible within a max of 60 calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time as the matter is resolved.
13. ASC will maintain a record of all complaints and appeals and their outcomes on the *Complaints and Appeals Register (ADM-01-37)* to allow all parties appropriate access. All records relating to complaint and appeals will be treated as confidential and will be covered by ASC Privacy Policy.
14. This policy and related procedure do not replace or modify those 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 an individual to act under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.



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Procedure

1. Complaints

| Procedure | Responsibility |
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| A. Receive and acknowledge complaint <ul style="list-style-type: none">As per policy, complaints are to be made in writing by the complainant, attention to the Administration Officer.The Administration Officer should review all complaints upon receipt.Acknowledge receipt of complaint in writing by sending a letter to complainant within 3 working days of receipt by <i>using Receipt of Formal Compliant & Appeal Notice (ADM-01-21)</i>Record details of the complaint on the <i>Complaints and Appeals Register (ADM-01-37)</i>.Commence process of investigation within 10 working days of receiving the complaint. | Administration Officer |
| B. Investigate the complaint <ul style="list-style-type: none">Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete.Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face to face, the complainant may be accompanied by a support person.If the matter is in relation to a third-party delivering Services on behalf of the ASC the third party should be involved in the resolution of the complaint.The Administration Officer will review the information and decide on an appropriate response. Where deemed necessary by the Administration Officer, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution.Note: The complaint must be completely resolved within 60 calendar days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing along with reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved. | Administration Officer |
| C. Advise of the outcome and update records <ul style="list-style-type: none">Provide a written response to the complainant outlining:<ul style="list-style-type: none">The ASC's understanding of the complaint | Administration Officer |



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| Procedure | Responsibility |
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| <ul style="list-style-type: none">– The steps taken to investigate and resolve the complaint– Decisions made about resolution, with reasons for the decisions made– Areas that have been identified as possible causes of the complaint and improvements to be recommended– Students' right to access the appeals process with Operations Manager of ASC if they are not satisfied with the outcome of the complaints process.• Update the <i>Complaints and Appeals Register (ADM-01-37)</i> so it includes the outcome of the complaint.• Update the <i>Continuous Improvement Register (ADM-01-38)</i> if applicable for any improvements to be made as an outcome.• Keep a copy of the complaint and supporting documents in the student or staff file (where relevant).• Discuss the complaint and its outcome at the next management meeting. | |

2. Appeals

| Procedure | Responsibility |
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| D. Receive and acknowledge appeal <ul style="list-style-type: none">• As per policy, appeals are to be made in writing by the appellant, attention to the Operations Manager.• The Operations Manager should review all appeals upon receipt.• Acknowledge receipt of appeal in writing by sending a letter to appellant within 3 working days of receipt. Use <i>Receipt of formal Complaints and Appeal Notice (ADM-01-21)</i>.• Record details of appeal on the <i>Complaints and Appeals Register (ADM-01-37)</i>. | Operations Manager |
| E. Respond to assessment appeals <ul style="list-style-type: none">• In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again.• The assessment decision made during the appeals process will be considered the actual assessment outcome for the task.• Advise the student of the outcome of the appeal as per point G below. | Operations Manager and Director of Studies |
| F. Respond to appeals against non-academic decisions | Operations Manager |



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| Procedure | Responsibility |
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| <ul style="list-style-type: none">• Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision.• Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.• If the matter is in relation to a third-party delivering Services on behalf of the ASC, the third party should be involved in the resolution of the appeal.• The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, ASC may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This will be at ASC cost.• ASC Operations Manager will review all relevant information and decide on an appropriate response.• Note: The appeal must be resolved within 60 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved. | and Administration Officer |
| <p>G. Advise appellant of the outcome and update records</p> <ul style="list-style-type: none">• Provide a written response to the appellant outlining:<ul style="list-style-type: none">– ASC's understanding of the reasons for the appeal– The steps taken to investigate and resolve the appeal– Decisions made about resolution and reasons for the decisions– If relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended– Their right to, and information on, the external appeals process.– For international students, the effect on their enrolment status (see enrolment status in policy – CS-6(G))• Update the <i>Complaints and Appeals Register (ADM-01-37)</i> so it includes the outcome of the appeal.• Update the <i>Continuous Improvement Register (ADM-01-38)</i> if applicable for any improvements to be made as an outcome.• Keep a copy of the appeal and supporting documents in the Complaints file and in the student or staff file (where relevant).• Discuss the appeal and its outcome at the next management meeting. | Operations Manager |



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3. Independent Reviews by External Party

| Procedure | Responsibility |
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| <p>H. External complaint or appeal</p> <ul style="list-style-type: none">If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal.Additionally, a complainant or appellant who has been through the internal processes may request ASC to appoint an independent party to review the matter.For domestic students, the independent party used is Fair Trading NSW, however complainants and appellants can seek their own external parties at their own cost.For international students, the independent party is the Overseas Students Ombudsman.ASC will co-operate fully in the process of the external party to investigate and review the matter. This will include and not be limited to providing full access to the relevant student file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them.Where the decision of the external party supports ASC, ASC will notify DET via PRISMS of the change in enrolment status. | Staff as required & Operations Manager |

Document Control

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