

# National Code Standard 8 & Std 6, Cl 6.1-6.5

## STUDENT COMPLAINTS AND APPEALS POLICY AND PROCEDURE

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### Overview

1. The College endeavours to create a positive learning environment for students, one in which each student has the opportunity to achieve their personal best. Part of the maintenance of that positive environment is a fair and open complaints and appeals procedure made available to all students.
2. The availability of a complaints and appeals process does not remove the Student's right to take further action under Australia's Consumer Protection Laws, nor does the College's dispute resolution process circumscribe the student's right to pursue other legal remedies.
3. A student must be advised of the College's Complaints and Appeals Policy in any case where a decision is made adversely impacting on their course progress such as in the event of a suspected case of plagiarism or cheating. Students must lodge a complaints and appeals form if they have a complaint or appeal. If they do not do so, but a staff member is aware that they have a complaint or wish to raise an appeal, that staff member must advise the National Manager of the case.
4. A complaints flowchart is attached to this policy.

### Definitions

5. **Complaint:** means not being satisfied with services provided by, or treatment received at, the College.
6. **Appeal:** means not being satisfied with a decision made by the College in relation to a complaint.

### Maintenance of student's enrolment

7. A student's enrolment will be maintained until all internal and external appeals processes are exhausted where the appeal relates to the College's decision to report a student for unsatisfactory attendance and/or unsatisfactory course progress.
8. A student's enrolment will be maintained until the internal appeals process only is exhausted where the appeal relates to the college's decision to defer or suspend a student's enrolment due to misbehaviour or cancellation of a student's enrolment in accordance with National Code Standard 13.

### Lodging complaint or appeal

9. In the first instance, a student with concerns related to their time at the College should adopt the following procedure:
  - 9.1. The student will, firstly, communicate directly with the person involved in an attempt to resolve the matter in an informal manner.
  - 9.2. If the matter is not resolved to the student's satisfaction, the student can take the matter further in a more formal way.
  - 9.3. The student can lodge a formal complaints or appeals form to the National Manager outlining their grievance, providing details including actions taken to resolve the issue. The form can be emailed to: – [sydney@intercontinental.edu.au](mailto:sydney@intercontinental.edu.au)

- 9.4. The student can make a verbal complaint via an appointment with the National Manager. If the complaint is made verbally, the National Manager must summarise the complaint in writing and have it signed off by the person making the complaint.
10. Students are at all times encouraged to contact either a Student Services Officer or Student Counsellor to discuss any concerns they may have. The Student Counsellor may provide advice about the options available to students during the complaints process.
11. If an appeal is being lodged under the following circumstances a Complaints and Appeals Form must be completed and signed by the student.
  - 11.1. Intention to report student to the relevant government authorities for failing to meet attendance requirements and/or satisfactory course progress;
  - 11.2. Intention to suspend or cancel a student's enrolment; or
  - 11.3. Refusal of a student's request to transfer providers.

### **Timeframes**

12. Where a complaint relates to the following a student has 20 working days to lodge a complaint prior to action being taken.
  - 12.1. Notification to report a student to the relevant government authorities for failing to meet attendance requirements and/or satisfactory course progress.
  - 12.2. Intention to suspend or cancel a student enrolment.
13. The Student Liaison Officer or the National Manager will respond in writing within seven (7) working days acknowledging that he/she has received the complaint or appeal and is considering the merits of the application.

### **Mechanisms for assessing student complaints and appeals**

14. The College will investigate the student's concerns. The National Manager will, in consultation with the student, consider whether the complaint should be handled under the formal or informal mechanisms available. The National Manager will have regard to the nature and seriousness of the complaint as well as the views of the student.
15. If an informal complaints resolution procedure is adopted, mechanisms available to resolve the issue include mediation and facilitation discussions between the parties involved. These mechanisms are appropriate when it is important that all parties have a chance to voice their concerns but the relationship between the parties is ongoing and needs to be maintained. This mechanism is not suitable for serious complaints or where there is a factual matter in dispute.
16. For serious matters, a formal investigation process should be instigated. This is required for serious complaints and appeals and factual disputes. **The formal process must be adopted where a complaint or appeal relates to the following issues:**
  - 16.1. intention to report student to the relevant government authorities for failing to meet attendance requirements and/or satisfactory course progress;
  - 16.2. intention to suspend or cancel a student's enrolment; or
  - 16.3. refusal of a student's request to transfer providers.

### **Informal resolution mechanisms**

17. In cases where an informal complaints resolution procedure is adopted, the following guidelines apply;
  - All parties involved in the complaint must be invited to attend a mediation meeting;
  - Each party is permitted to have a support person present;
  - All meetings must be held by the National Manager or a properly authorised delegate;
  - Records of the agreed outcome must be made in writing and signed by all parties involved;
  - No threatening or intimidating behaviour is permitted during meetings. If such behaviour is exhibited by a party, the person responsible must be counseled and the complaint must be resolved using the formal resolution procedure set out below.

### **Formal resolution mechanisms**

18. This formal investigation will involve contacting the party/parties against whom the complaint was made or decision made to which the appeal relates and allow them to respond in writing in relation to the complaint or make submissions in relation to the appealed decision. Alternatively a meeting will be arranged with the parties involved where each party has the right to:

- 18.1. formally present their case with little or no cost involved; and/or
  - 18.2. attend or be assisted in all discussions with a support person. This means that each party has the right to bring a support person with them to attend any meeting and/or discussion e.g. an agent or a relative or friend.
19. The National Manager will then inform, in writing, both parties of the outcome(s) and resolution in relation to the complaint or appeal, including reasons for the decision.
  20. The complaint or appeal will be dealt with promptly and the length of time involved may vary in accordance with the complexities of the case. Under normal circumstances the applicant can expect at least a provisional written response within 10 working days of presenting their formal complaint and appeal. If the National Manager considers that the complaint will take longer than 60 calendar days to process and finalise, the applicant will be informed in writing with reasons provided as to why more than 60 calendar days are required to finalise the complaint. During this investigation period, the applicant will be kept informed in writing on the progress of the case. All reasonable measures will be taken to finalise the process as soon as practicable.
  21. In the event that the applicant is not satisfied with the outcome, he/she can take the matter further with the Chief Executive Officer of the College, using the relevant complaints and appeals email address.
  22. All records of the complaints and appeals process and the outcomes are documented in the Complaints and Appeals Register and kept in a secure file. This requirement applies regardless of whether the complaints resolution mechanism adopted was formal or informal.

### **External appeals process**

23. The Overseas Students Ombudsman is the external appeals body available for overseas students. NSW Fair Trading is the external appeals body available for domestic students for non-assessment appeals or complaints. The Community Justice Centre in Parramatta is the external body students should contact for assessment related appeals or other issues not considered by NSW Fair Trading.
24. If the student finds no satisfaction with the College's internal appeals process, the College will advise the student of his or her right to access the external appeals process by contacting the Overseas Student Ombudsman or NSW Fair Trading. The Overseas Students Ombudsman is free and independent. More information is available at [www.oso.gov.au](http://www.oso.gov.au) or by phoning 1300 362 072. For NSW Fair Trading, further information is available at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) or by phoning 13 32 20. The Community Justice Centre can be contacted on 1800 990 777 or [www.cjc.justice.nsw.gov.au](http://www.cjc.justice.nsw.gov.au). A mediator will generally then be appointed to settle the matter.
25. At any stage of the complaints/appeals handling process, students are free to complain to the Overseas Student Ombudsman or NSW Fair Trading or the Community Justice Centre.
26. If the matter cannot be resolved within the College according to the above procedures, then resort can also be had to Australia's legal system.

### **Record keeping**

27. Each complaint, appeal and its outcome is recorded in writing on the Complaints and Appeals Register and a diary note is placed in the student file.
28. Emailed complaints and appeals will be responded to within ten (10) working days and recorded in the Complaints and Appeals Register.
29. Verbal complaints that the student does not wish to formalise in writing should be recorded in the Diary Note form to be forwarded to the National Manager and recorded in the student file.
30. In the case where a student wishes to formalise a complaint and appeal as per the Complaints and Appeals Procedure, all documents are kept in the student file and the details recorded in the Complaints and Appeals Register.

### **Actioning Student Complaints**

31. Where the appeals process results in a decision supporting the student complaint the College will immediately implement the required corrective/preventative action.
32. Regardless of the outcome of the student complaint, the student will be advised in writing of that outcome and the reasons on which the outcome was based. The student's file will be updated with records of the outcome of the student's complaint.

### **Related Forms**

- Complaints and Appeals Forms
- Complaints and Appeals Register

### **Related Policies**

- Attendance policy
- Deferring, suspending or cancelling enrolment policy
- Refund policy

### **Related Standards**

- Standards for Registered Training Organisations – Standard 5 – Clause 5.4

## OVERVIEW OF STUDENT COMPLAINT PROCEDURE

