

POLICY STATEMENT

The Academy of International Education (Australia) ("TAIE") acknowledges the students' right to lodge a complaint and appeal when they are dissatisfied with academic or non-academic issues.

TAIE recognises the need for students to have confidence that TAIE will deal with all complaints and appeals in a fair and equitable manner based on procedures that are appropriate, accessible and easily understood.

This policy aims to manage and respond to allegations involving the conduct of:

- a) TAIE, its trainers, assessors or other staff;
- b) a third party providing services on TAIE's behalf, its trainers, assessors or other staff;
- c) a Student of TAIE; or
- d) appeal requests for a review of decisions, including assessment decisions, made by TAIE or a third party providing services on TAIE's behalf.

This policy ensures that:

- a) the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
- b) are publicly available;
- c) set out the procedure for making a complaint or requesting an appeal;
- d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
- e) provide for review by an appropriate party independent of TAIE 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.

PURPOSE

The purpose of this policy and procedure is to define the system available to both domestic and international students for dealing with complaints and appeals as per requirement of The Registered Training Organisations Standards 2015, Standard 6 and the National Code 2018–Standard 10

SCOPE

This Procedure applies to complaints and appeals from students. The complaint and appeal may be against another student/s and/or staff member/s regarding academic or non-academic issues.

The following issues are not considered complaints within the scope of this policy:

- Maintenance issues (such as broken furniture or equipment). These should be referred to Workplace, Health and Safety Policy and Procedure.
- Accidents/incidents (such as tripping, slipping, burning).

TAIE will deal with all complaints and appeals according to the following principles:

- Complaints and appeals will be resolved informally where possible
- Complaints and appeals will be resolved as close as possible to the source of dissatisfaction
- Complaints and appeals procedures will be widely advertised
- Any person with any allegation against them will have the opportunity to respond to the allegation before a resolution is attempted
- Proceedings should be conducted honestly, promptly and without bias.
- Issues that are of a criminal or legal nature may be referred to the police or appropriate authority.

Confidentiality

In accordance with TAIE's Privacy Policy & Procedure and Confidentiality Policy and Procedure, all parties involved in the complaint and appeal procedure will maintain completely confidential—unless approval to disclose is granted.

RESPONSIBILITY

The PEO will have overall responsibility for:

- Monitoring all complaints and appeals processes
- Reporting to management on outcomes of Complaints & Appeals

This policy and procedure should be communicated to all staff, students and clients upon induction employment or commencement of training.

DEFINITION

Complaint is a statement that something is unsatisfactory or unacceptable

Appeal is an earnest request

Academic is matter relating to an educational or scholarly institution or environment.

Non-academic is issues other than academic related.

INTERNATIONAL PROCEDURES

All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution with each complainant having an opportunity to formally present his or her case at minimal or no cost to him or herself.

At any stage in the complaint and appeal process either party may be accompanied and assisted by a support person at any relevant meeting.

A student's enrolment will be maintained throughout the duration of the complaint and appeal process.

Complaints

TAIE believes that it is advantageous for complaints to be resolved wherever possible and appropriate with a minimum of formal procedures.

Students who feel they have a complaint in relation to an academic matter should complete the Complaints and Appeals Form citing the exact reason for the complaint/appeal, making a note of instances why, who, how and when they occurred.

The process commences within 10 working days of the formal lodgement of the complaint and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.

The following complaints procedure will be used in dealing with complaints made by all students relating to academic matters:

- (a) Complaints from students will be directed/ lodged with the Administration Officer and will be entered into the complaint register and a Complaint Acknowledgement Letter will be prepared and sent out by the Administration Officer.
- (b) The relevant Manager will investigate the complaint and if necessary will meet with the student. Note: The student may have a support person present at the meeting.
- (c) If the student declines or fails to attend the scheduled meeting, a formal response will be decided in the student's absence
- (d) If the matter is not resolved at such a meeting, the parties shall arrange for further discussion between the student and their nominated representative, if any, and more senior levels of management (Principal Executive Officer).
- (e) The student will be advised in writing of the outcome of their complaint including the reasons for such outcome
- (f) If the student is not satisfied with the outcome, the students can access TAIE's appeal process (within 20 working days commencing 3 days after the date of the outcome in writing).
- (g) If the internal complaints process results in a decision that supports the student, the School will immediately implement the decision and/or corrective action and advise the student of the outcome.

Appeals

Grounds for Appeal

An application for appeal will be considered where:

- A student claims a disadvantage because the nature of the complaint process is unfair
- A student claims disadvantage because assessment requirements specified by the trainer were unreasonably or prejudicially applied to him or her
- A student is of the view that a clerical error has occurred in the documenting of the assessment outcome
- A student claims that there is a discrepancy between the practical observation and the formal assessment.

Step 1 – Internal Appeals

- (a) Students may access the internal appeals process and are required to lodge their appeal and reasons by submitting a Complaint and Appeal Form to the Principal Executive Officer 20 working days commencing three days after the date of complaints outcome.
- (b) There is no cost to the student for lodgement of internal Appeal.
- (c) Appeals from students will be directed to the Administration Officer and will be logged in the Appeals register and an Appeals Acknowledgement Letter will be prepared and sent out by Administration Officer.
- (d) When the internal appeal process has been instigated, it will commence within 10 working days of the formal lodgement of the appeal. The Administration Officer will contact the student and allow for him/her to formally present their case (if not already done so), review the information and all reasonable measures will be taken to finalise the process as soon as practicable.
- (e) After consideration of the documentation received with an Appeal, the grounds will be assessed and the student will be notified in writing of the outcome (Internal Appeal Outcome Letter).
- (f) If the appeal remains unresolved, the student can access an external appeals process at minimal cost. The student is also entitled to nominate a person of their choice to support them.
- (g) If the internal complaints process results in a decision that supports the student, TAIE will immediately implement the decision and/or corrective action and advise the student of the outcome.

Step 2 – External Appeals

- (a) If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, TAIE will advise the student of his or her right to access the external appeals process at minimal cost. All external appeals must be lodged in writing within 20 working days of the date of the Internal Appeal Outcome Letter. If no notification is received within that timeframe, TAIE will finalise the case accordingly.
- (b) The following independent bodies will be arranged with the agreement of both parties if an external appeal is required:

International Students:

International Students, who wish to lodge an external appeal about TAIE's decision, can contact The Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free, independent and impartial service for overseas students. Students are advised to contact the Overseas Students Ombudsman for further details of the external appeal process at their website www.oso.gov.au or telephone them on (03) 9613 6222 or toll free on 1800 806 314 (regional only).

If TAIE decides to defer or suspend an international student's enrolment due to misbehaviour or to cancel an international student's enrolment, TAIE only needs to await the outcome of the internal appeals process (supporting TAIE) before notifying The Department of Training through PRISMS of the change to the international student's enrolment. In the case of an international student's

unsatisfactory course progress or unsatisfactory attendance, TAIE will wait for the outcome of the external appeal before notifying the Department of Training through PRISMS of the change to the student's enrolment (if applicable).

- (c) This process is for the investigation of concerns regarding TAIE's policies and procedure and not extended to consideration of compassionate or compelling circumstances.
- (d) All students may be accompanied by a third person during the external appeals process.
- (e) In the event, the external complaints process results in a decision that supports the student, TAIE will immediately implement the decision and/or corrective action and advise the student of the outcome
- (f) In the case of an appeal against a possible report in PRISMS relating to unsatisfactory course progress, only one external appeal will be permitted (in favour of the provider) before TAIE will report the student in PRISMS (International Students Only)
- (g) If the appeal by the student is against TAIE's decision to:
 - report the student for Unsatisfactory Course Progress - the student's enrolment will be maintained until the external complaints process is complete and has supported the decision to report
 - defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment – TAIE will only await the outcome of the internal appeals process before advising PRISMS

All written information regarding the complaints/appeals process must be filed in the students' file.

This document in no way replaces or modifies procedures or responsibilities that arise under other policies or under statute or any other law.

This policy and procedure does not limit the rights of individuals to take action under Australia's Consumer Protection Laws. Also, this policy and procedure does not circumscribe an individual's rights to pursue other legal remedies.

****End of International Process****

Domestic Procedures

Complaints

TAIE believes that it is advantageous for complaints to be resolved wherever possible and appropriate with a minimum of formal procedures. Students who feel they have a complaint should complete the Complaints and Appeals Form citing the exact reason for the complaint, making a note of instances why, who, how and when they occurred. The process commences within 10 working days of the formal lodgement of the complaint and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.

The following complaints procedure will be used in dealing with complaints made by all students:

- (a) Complaints from students will be directed/ lodged with the Administration Officer and will be entered into the complaint register. A Complaint Acknowledgement Letter will be prepared and sent out by the Administration Officer.
- (b) The relevant Manager will investigate the complaint and if necessary will meet with the student. Note: The student may have a support person present at the meeting.
- (c) If the student declines or fails to attend the scheduled meeting, a formal response will be decided in the student's absence.
- (d) If the matter is not resolved at such a meeting, the parties shall arrange for further discussion between the student and their nominated representative, if any, and more senior levels of management (PEO).
- (e) The student will be advised in writing of the outcome of their complaint including the reasons for such outcome.
- (f) Where TAIE considers more than 60 calendar days are required to process and finalise the complaint, TAIE will:
- (g) Inform the complainant in writing, including reasons why more than 60 calendar days are required; and
- (h) Regularly updates the complainant on the progress of the matter.
- (i) If the student is not satisfied with the outcome, the students can access TAIE's appeal process within 20 working days of the date of the complaint outcome in writing.
- (j) If the internal complaints process results in a decision that supports the student, TAIE will immediately implement the decision and/or corrective action and advise the student of the outcome.

Appeals

Grounds for Appeal

An application for appeal will be considered where:

- A student claims a disadvantage because the nature of the complaint process is unfair
- A student claims disadvantage because assessment requirements specified by the trainer were unreasonably or prejudicially applied to him or her
- A student is of the view that a clerical error has occurred in the documenting of the assessment outcome
- A student claims that there is a discrepancy between the practical observation and the formal assessment.

Step 1 – Internal Appeals

- 1) Students may access the internal appeals process and are required to lodge their appeal and reasons by submitting a Complaint and Appeal Form to the Chief Executive Officer within 20 working days of the date of the complaint outcome.
- 2) There is no cost to the student for lodgement of internal Appeal.
- 3) Appeals will be logged in the Appeals register and an Appeals Acknowledgement Letter will be prepared and sent out by the CEO.
- 4) When the internal appeal process has been instigated, it will commence within 10 working days of the formal lodgement of the appeal. The Administration Officer will contact the student and allow for him/her to formally present their case (if not already done so), review the information and all reasonable measures will be taken to finalise the process as soon as practicable.
- 5) After consideration of the documentation received with an Appeal, the grounds will be assessed and the student will be notified in writing of the outcome.
- 6) Where TAIE considers more than 60 calendar days are required to process and finalise the appeal, TAIE will:
 - a) Inform the appellant in writing, including reasons why more than 60 calendar days are required; and

- b) Regularly updates the appellant on the progress of the matter.
- 7) If the appeal remains unresolved, the student can access an external appeals process at minimal cost. The student is also entitled to nominate a person of their choice to support them.
 - 8) If the internal appeals process results in a decision that supports the student, TAIE will immediately implement the decision and/or corrective action and advise the student of the outcome.

Step 2 – External Appeals

- 1) If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, TAIE will advise the student of his or her right to access the external appeals process at minimal cost.
- 2) All external appeals must be lodged in writing within 20 working days of the date of the Internal Appeal Outcome Letter. If no notification is received within that timeframe, TAIE will finalise the case accordingly.
- 3) A student who wishes to lodge an external appeal may do so in writing to the relevant state:

Administrative Appeals Tribunal

VICTORIA

Tel: 03 9282 8444 or 1300 366 700
Email: melbourne.registry@aat.gov.au
Post: GPO Box 9955 Melbourne VIC 3001
Address: Level 16, HWT Tower, Southgate 40 City Road Southbank

NEW SOUTH WALES

Tel: 02 9391 2400 or 1300 366 700
Email: sydney.registry@aat.gov.au
Post: GPO Box 9955 Sydney NSW 2001
Address: Level 7, City Centre Tower 55 Market Street Sydney

QUEENSLAND

Tel: 07 3361 3000 or 1300 366 700
Email: brisbane.registry@aat.gov.au
Post: GPO Box 9955 Brisbane Qld 4001
Address: Level 4, Harry Gibbs Building Commonwealth Law Courts
119 North Quay (entry is from Tank Street) Brisbane

- This process is for the investigation of concerns regarding TAIE's policies and procedure and not extended to consideration of compassionate or compelling circumstances.
- All students may be accompanied by a third person during the external appeals process.
- In the event, the external complaints process results in a decision that supports the student, TAIE will immediately implement the decision and/or corrective action and advise the student of the outcome.
- All written information regarding the complaints/appeals process must be filed in the students' file.
- This document in no way replaces or modifies procedures or responsibilities that arise under other policies or under statute or any other law.
- This policy and procedure does not limit the rights of individuals to take action under Australia's Consumer Protection Laws. Also, this policy and procedure does not circumscribe an individual's rights to pursue other legal remedies.

Records

TAIE will:

- a) securely maintains records of all complaints and appeals and their outcomes; and
- b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence. (See CPP09 Continuous Improvement Policy & Procedure)

SUPPORTING DOCUMENTATION

TAIE documentation which supports the implementation of this Policy includes:

- Complaints and Appeals Form
- Complaints Register
- Appeals Register
- Complaints and Appeals Tracking Form
- Complaint and Appeals Acknowledgement Letter
- Complaint and Appeals Outcome Letter – Successful
- Complaint and Appeals Outcome Letter – Unsuccessful

REVISION HISTORY

Revision	Date	Description of modifications
2.2	March 2012	
2.3	April 2013	Included History Table Updated job roles and Support Documents
3.0	October 2018	Updated National Code 2018 requirements

Document Details

Document Name: Complaints and Appeals Policy & Procedure
 Department: Governance
 Approved: PEO
 Review Date: October 2019
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