

COMPLAINTS AND APPEALS POLICY AND PROCEDURE

Approving Authority	Academic Board
Responsible Officer	Dean of Academics
Version	V3.0 Reformatted, Principal. Approved 25 th October 2020
Next Scheduled Review	Oct 2023
Related Legislation and Regulations	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 10 Higher Education Standards Framework 2021, standard 2.4, 7.2, 7.3 Standards for Registered Training Organisations (RTOs) 2015 Education Services for Overseas Students Act 2000 Education Services for Overseas Students Regulations 2019
Associated Documents	Student Grievance Policy Overseas Student Support Services Policy Marketing Policy and Marketing Procedure Engagement Prior to Enrolment Policy and Procedures Formalisation of Enrolment Policy and Procedures

1 SCOPE

This policy and procedures apply to all current domestic and international students of ACCS who are enrolled in a vocational or higher educational course. Student complaints and appeals system is an opportunity for ACCS to review and improve its practices and the overall student experience.

2 PURPOSE

The purpose of this policy and procedure is to provide information and outline the determination for proceeding with a complaint or appeal. Through this policy and the corresponding procedure, we commit to ensuring that overseas students have the right to natural justice by virtue of access to effective, timely, equitable and documented complaints handling and appeals processes.

The Complaints and Appeals Policy and Procedures cover any aspect of a student's experience at ACCS. It covers, but is not limited to, student complaints and appeals about their experience, dissatisfaction or concern with:

- The application, admission and enrolment processes,
- Interactions with ACCS staff or other students,
- The provision and quality of ACCS courses offered,
- General administration matters
- Student support services,
- Decisions of ACCS related to financial or administrative matters,
- Assessment and progression and other academic related matters,
- Matters regarding decisions concerning International students,
- Bullying, discrimination, harassment or sexual misconduct.

ACCS must make prompt decisions for international students as a student's visa will restrict his or her length of stay in Australia.

This policy and procedure has been developed to satisfy the requirements of The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 10.

3 DEFINITIONS

Appeal When a student is dissatisfied with a decision made by ACCS, that student has the right to contest it by means of an appeal. The appeal is a process whereby the decision is reviewed and re-evaluated with any evidence or argument that the student wishes to include for consideration. The appeal may have one of two outcomes:

Appeal upheld meaning the decision is overturned.

Appeal rejected or not upheld, meaning the original decision stands.

Assessment The process of collecting evidence and making judgements on whether learning outcomes have been achieved, to confirm that an individual can perform to the standard required

Complaint A formal complaint takes place if an issue cannot be resolved informally (for example, the affected parties discussing the matter, the RTO or HEP, staff, students or third parties), and is written down for official processing.

Complainant A student or potential student lodging the complaint.

External Complaints Handling Means a complaint or appeal will be reviewed by an independent external reviewer.

Internal Complaint or Appeal Means a complaint or appeal made by an employee or staff member of ACCS.

SSO An acronym for Student Support Officer(s), members of staff providing support for the needs and wellbeing of all overseas students.

4 POLICY/PROCEDURE STATEMENT

As part of our commitment to providing a fair and equitable student experience, the following complaints handling and appeals system has been developed and is freely and readily accessible and clearly explained to all students and prospective students on our official website, the student handbook and at student orientation. This policy covers all forms of student complaints and appeals in relation to the operations of the College that may include, but are not limited to, assessment the quality of the teaching, administration, student support and services, bullying, harassment, discrimination and any other areas of perceived inappropriate, unfair or discriminatory treatment, action or decision.

1. ACCS acknowledges that students have the right to make complaints where they see fit.
 - Higher Education Students will be informed that they can access information about complaints from <https://www.teqsa.gov.au/complaints-domestic-students> and <https://www.teqsa.gov.au/complaints-international-students>
 - VET students will be informed that they can access information about complaints from <https://www.asqa.gov.au/complaints>
2. ACCS acknowledges that students have the right to appeal decisions of ACCS if they are dissatisfied with,
 - a decision arising from the formal complaint resolution process
 - a decision in relation to academic matters including:
 - assessment for an individual item or of a unit or a review of that assessment,
 - penalty for academic misconduct,
 - outcome of an application for recognition of prior learning,
 - decision to suspend or cancel the enrolment of a domestic student due to unsatisfactory academic progression.
 - a decision in relation to of an international student with:
 - deferrals, suspensions and cancellations of enrolment,

- transfers to other Institutions,
 - notices of intention to report the international student's enrolment due to unsatisfactory academic progression.
 - i. ACCS has provision for students to appeal against decisions, including those made by the RTO or HEP, staff members, other students or by a third party partner and will respond to any complaint or appeal made against any of these parties.
 - ii. ACCS ensures that students have access to a fair and equitable process for lodging a complaint or appeal.
 - iii. In doing so, ACCS:
 - has written processes in place for collecting and dealing with complaints and appeals in a constructive and timely manner;
 - ensures that these procedures are communicated to all staff, third party partners and students;
 - ensures that each complaint or appeal and its outcome are recorded in writing;
 - ensures that each complaint or appeal is heard by an independent person or panel;
 - ensures that each complainant/appellant has the opportunity to formally present their case free of cost;
 - ensures that each complainant/appellant is given a written statement of the appeal outcomes, including reasons for the decision;
 - retains written record and statement of the outcome of the appeal or complaint;
 - takes appropriate action upon the subject of any appeal or complaint that is found to be substantiated; and
 - utilises outcomes of appeals and complaints to review current practices which may potentially lead to continuous improvement.
3. All appeals against an assessment decision must be lodged within 7 calendar days of the date of the assessment result notification to the student.
 4. Should an appeal relate to the Institute's intention to suspend or cancel the enrolment of an international student, the student must lodge an appeal within 20 working days of receiving the notification of intention from ACCS.
 5. All appeals and complaints are acknowledged in writing and finalised as soon as practicable.
 6. All appeals and complaints will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training.

COMPLAINTS PROCESS

1 INFORMAL PROCESS

Any student with a question or concern may raise the matter with the relevant staff of the College.

Student services staff members are the first point of call for students who may want to make a complaint or lodge an appeal or simply wish to discuss their options on any matters of concern.

A student making a complaint must clearly identify the issue, provide all available information in support of their case and cooperate with the investigation of the complaint. In the process both the student and staff will be treated with courtesy and respect. The College will initially attempt an informal resolution based on principles

of mediation and negotiation. To ensure all issues are addressed by the appropriate person, with student consent, student services may raise the issue with the relevant staff members and attempt a resolution. Questions or complaint 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 as it identifies potential areas of risk or improvement.

2 FORMAL PROCESS

Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint must commence the formal process. To do this the complainant must complete a Complaint Form (available from Student Services or in the Student page on Moodle). The following information needs to be provided in writing:

- a) outline the 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;
 - d) why the responses received are not considered satisfactory if applicable and
 - e) what the complainant thinks needs to be done to address his/her concerns
- The Principal will commence the process of considering the complaint and will acknowledge receipt of the complaint in writing to the complainant.
 - The Principal will ensure all steps are taken to resolve the complaint as soon as is practical, with the assessment of all complaints and appeals commencing within 10 working days of lodgement.
 - Complaints wherever possible are to be resolved within 15 working days of the initial application.

International Students who have lodged a complaint must remain enrolled at ACCS. To maintain the international student's enrolment means the ACCS does not notify DET of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

ACCS must maintain the student's enrolment throughout the internal complaints process for all types of complaints.

3 COMPLAINT OUTCOMES - SUCCESSFUL

Should the decision of the internal complaints handling process, or any external process be in favour of the student, that decision shall be implemented immediately. Any resulting recommendation and/or preventive or corrective action required by the decision shall also be taken as soon as practicable. All decisions and changes/actions will be recorded and the student will be notified in writing of the action taken.

4 COMPLAINT OUTCOMES - UNSUCCESSFUL

If the complainant is not satisfied with the outcome of their complaint, they have the option to lodge an internal appeal.

APPEALS PROCESS

1 INTERNAL APPEAL

ACCS manages appeals in three distinct categories.

- Appeals due to dissatisfaction with a decision arising from the formal complaint resolution process
- Appeals due to dissatisfaction with a decision in relation to academic matters including:
 - Assessment for an individual item or of a unit or a review of that assessment,

- Penalty for academic misconduct,
- Outcome of an application for recognition of prior learning,
- Decision to suspend or cancel the enrolment of a domestic student due to unsatisfactory academic progression.
- Appeals due to dissatisfaction of an international student with a decision in relation to
 - deferrals, suspensions and cancellations of enrolment,
 - transfers to other Institutions,
 - notices of intention to report the international student's enrolment due to unsatisfactory academic progression.

2 LODGING AN APPEAL

Grounds for Appeal

A formal appeal can be made for one or more of the following reasons:

- The student believes that the decision contravenes a relevant published rule or policy,
- The student can provide new evidence that potentially could change the outcome,
- The student believes the procedure was unfair.

A student must submit the appeal in writing, using the Application to Lodge an Appeal Form addressed to the Principal within ten (10) business days of the notification of the outcome of the a formal resolution process or decision of the College and must include justification for the appeal.

This means the student will need to:

- Explain what rule or policy was not adhered to with specific references,
- Explain why the decision, condition or penalty imposed was inappropriate,
- Describe and/or provide the new evidence and/or,
- Write about how they think the procedure was unfair
- Detail the outcome sought.

Appeals of decisions in relation to decisions on assessment grades

In addition, the grounds for appeals of in relation to decisions on assessment grades, can also include:

- an error has occurred in the calculation of the grade, or/and
- the assessment did not comply with criteria published in the course guide or other course/unit assessment information, or/and
- the assessment process did not comply with the College's policies on assessment.

Appeals of decisions in relation to unsatisfactory academic progress of international students

Under the ESOS Act 2000 and its associated National Code, ACCS must report international students for failing to make satisfactory academic progress. In this regard ACCS must issue students with a formal notification of intent to report. Students may then within 20 business days lodge a formal appeal against the College's decision. The grounds for the appeal are not restricted but should demonstrate why the student should not be reported. For example, if the student produces documentary evidence demonstrating that compassionate or compelling circumstances apply.

3 APPEAL OUTCOMES

An investigation into an Appeal may result in one of the following outcomes:

- a) Appeal is upheld
- b) Appeal is rejected/ not upheld

4 ACTIONING APPEAL OUTCOMES

Where the internal appeal is upheld, ACCS will implement the required corrective action within 28 days and advise the student in writing of the outcome.

Where any internal appeal of a domestic student is rejected/not upheld they will be advised that they contact the National Training Complaints Hotline on 13 38 73 or Higher Education complaints to <https://www.teqsa.gov.au/complaints-domestic-students>

If any internal appeal of an international student is rejected/not upheld, the student must be advised about their rights as an overseas student to access an external complaint handling and appeals process at minimal or no cost. They may wish to contact the International Overseas Student Ombudsman as an independent reference. Contact details: ^(10.3)

Mail: Commonwealth Ombudsman, GPO Box 442, Canberra ACT 2601

Phone: 1300 362 072

Online: <https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>

If the student decides to go to external resolution, then they must write to the principal to advise of their decision no later than ten (10) business days after the notification of the outcome of their appeal. For international students ACCS must wait for the outcome of the external process if the appeal relates to unsatisfactory progress has serious consequences for the student's visa - ACCS only needs to await the outcome of the internal appeals process (supporting ACCS) before notifying DET through PRISMS for any other type of appeal.

Further information for international students can be obtained from the Administrative Appeals Tribunal (AAP) can be found at <https://www.aat.gov.au/fact-sheets/migration-and-refugee-review-fact-sheets/student-visa-refusals-genuine-stay>

5 ACCESS AND EQUITY

The ACCS Access and Equity Policy applies. (See Access and Equity Policy)

6 RECORDS MANAGEMENT

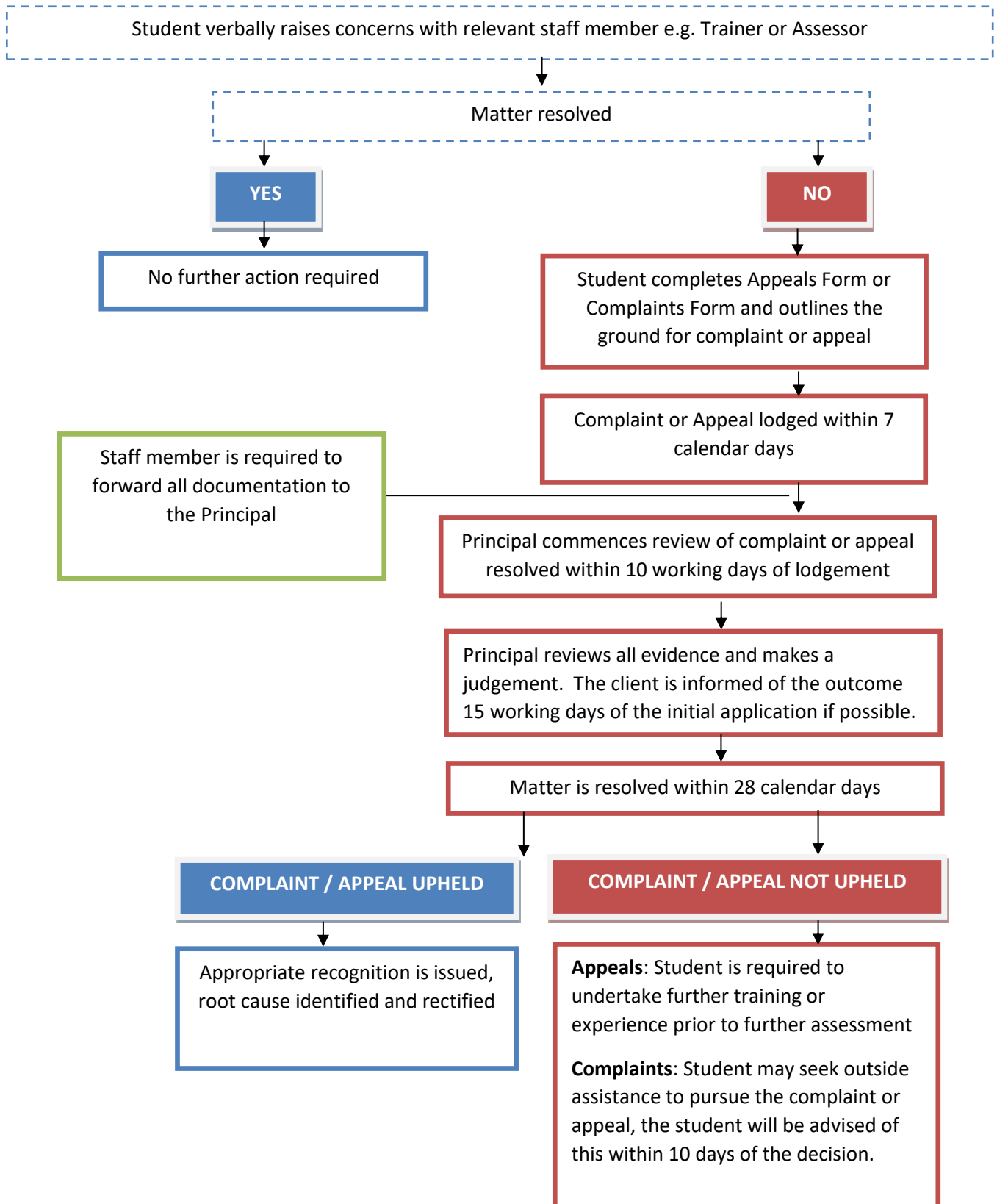
Records of all appeals and their outcomes are maintained securely.

Records of appeals will include:

- How the appeal was dealt with;
- The outcome of the appeal;
- The timeframes for resolution of the appeal;
- The potential causes of the appeal; and
- The steps taken to resolve the appeal.

All documentation for Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy).

Appeals and Complaints Process Flowchart



5 ACKNOWLEDGEMENTS

This policy acknowledges the following resources:

Oxford Institute of Higher Education's Deferral, Suspension and Cancellation Policy and Procedure Retrieved 24/07/20

JMC Academy's Deferring, Suspension and Cancelling Students Enrolment Policy and Procedure Retrieved 24/07/20.