



Complaints and Appeals Policy & Procedure

Introduction

Australian Technical College Western Australia (ATCWA) ensures it has an accessible and easy to understand complaints and appeals process for its stakeholders relevant to its CRICOS registration.

Purpose

To ensure that ATCWA's complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

Scope

This policy and procedure applies to all international students and intending international students at ATCWA.

Responsibilities

Chief Executive Officer, Director of Operations, Compliance Manager, Student Support.

Definitions

International student means international students or intending international students on a student visa under the Migration Act 1958.

DHA means Department of Home Affairs.

CoE means Confirmation of Enrolment.

Alignment	
National Code of Practice for Providers of Education and Training to Overseas Students 2018	
Part B (Standard)	10

Document Control			
Version	Date	Author	Change Description
001	6 June 2019	ATCWA	Creation of policy
002	3 June 2020	ATCWA	Review of Policy
003	<Select date>		
004	<Select date>		

Policy Statement

ATCWA will ensure that it will have an appropriate internal complaints handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes as long as it meets these requirements:

- A process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept;
- Each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself;
- Each party may be accompanied and assisted by a support person at any relevant meetings;
- The complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome; and
- The process commences within ten (10) working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.

ATCWA must have arrangements in place for a person or body independent of and external to ATCWA to hear complaints or appeals arising from the ATCWA's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal. At ATCWA, where a student is not satisfied with the result or conduct of the internal complaints and appeals process, the student has the right to access an external appeals process through the Overseas Students Ombudsman <http://www.oso.gov.au>.

If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, ATCWA must advise the student of his or her right to access the external appeals process at minimal or no cost.

If the student chooses to access the ATCWA's complaints and appeals processes, the ATCWA must maintain the student's enrolment while the complaints and appeals process is ongoing.

If the internal or any external complaint handling or appeal process results in a decision that supports the student, the ATCWA must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

Principles

Any complaint will be handled fairly, recognising the rights of both the person making the complaint, ATCWA and person against whom the complaint is being made. All parties concerned will be treated with courtesy and appropriate confidentiality will be maintained.

ATCWA will be transparent and accountable in relation to client complaints by ensuring information about the procedure is widely available and by informing stakeholders about feedback received and actions taken to improve services resulting from analysis of feedback.

At any point a complaint may be withdrawn by the complainant.

ATCWA will ensure appropriate training for staff involved in the complaints management process. This will be provided during staff orientation, as part of the organisation's professional development strategy for its staff and at least during an annual refresher session.

ATCWA will collect data and maintain records of complaints received and their outcomes. These will be analysed by Management as a standard agenda item at Management Review Meetings and also assessed annually as part of the ATCWA's continuous improvement strategy.

All documentation relating to student complaints will be forwarded to the Operations Manager/ OSCO to be registered within the ATCWA Complaints & Appeals Register and filed appropriately.

This policy and procedure is available to all staff in the Introduction to the VET Sector booklet, and all staff are trained in the application of the policy and procedures. This policy and procedure will also be made available to all prospective and enrolled students in the ATCWA website, contractual documentation and addressed during any orientation program.

ATCWA classifies complaints as 'academic' and 'non-academic'. The process is the same with the exception of non-academic complaints will include specific ATCWA staff members.

Non-Academic complaints include for example:

- Student administration;
- Marketing and information practices;
- Facilities;
- Finance; and
- Welfare.

Academic complaints include for example:

- Assessment;
- Results;
- Student progress;
- Attendance;
- Statements of Attainment / Certificates; and
- Recognition of Prior Learning / National Recognition / Credit Transfer.

For *Academic* complaints, attendees in the meeting to hear the complaint will include:

- CEO/Director of Operations/Operations Manager;
- Director of Studies/Compliance Manager;
- Trainer & Assessor (as relevant to the complaint); and/or
- Manager, Student Support Services.

For *Non-Academic* complaints, attendees in the meeting will include:

- CEO/Director of Operations/Operations Manager;
- Director of Studies/Compliance Manager;
- Manager, Student Support Services; and/or
- Any other person as deemed appropriate by ATCWA or the student.

Where a complaint decision is made in favour of the student, ATCWA will advise the student of this in writing and implement any decision or corrective and/or preventative action required immediately.

It should be noted that throughout the internal complaints and appeals process, a student's enrolment will be maintained (subject to extenuating circumstances). The National Code (Standard 10) does not require ATCWA to continue to provide learning opportunities while the complaint is being processed however, the student's Confirmation of Enrolment (CoE) will not be cancelled until the appeals process has been exhausted and then, unless the appeal finds in favour of ATCWA. It is at the discretion of ATCWA whether it will continue to offer learning opportunities to students in such circumstances on a case-by-case basis. The student will be advised in the acknowledgement of their complaint whether ATCWA will continue to offer learning opportunities in their specific situation. In some cases where it is deemed appropriate, ATCWA may continue to provide learning opportunities while excluding the student from typical class attendance but mandatory attendance in an alternative learning environment while the complaint is being considered.

ATCWA considers that denying students learning opportunities throughout the complaints and appeals process may disadvantage students in subsequent study periods should the complaint or appeal find in the student's favour and therefore does not take the matter of exclusion from class lightly.

Overseas Students Ombudsman

The Overseas Students Ombudsman investigates complaints about problems that international students on a student visa or prospective international students may have with private education and training and/or private education and training providers in Australia. If students are unsatisfied with the internal complaints and appeals process, they may lodge a complaint with the Overseas Students Ombudsman.

The Ombudsman:

- Provides a free service;
- Is independent and impartial (it doesn't represent either international students or providers);
- Can make recommendations that arise out of investigations; and
- Is a function of the Commonwealth Ombudsman.

Contact details for the Overseas Students Ombudsman are:

- Website: <http://www.oso.gov.au>
- Email: ombudsman@ombudsman.gov.au
- Call: 1300 362 072 (within Australia) | Outside Australia +61 2 6276 0111
- Fax: (02) 6276 0123 (within Australia) | Outside Australia +61 2 6276 0123
- Postal: GPO Box 442, Canberra ACT 2601, Australia
- Enquiries: Monday to Friday 9:00am-5:00pm (AEST).

Reporting to the Department of Education and Training (DET) and Department of Home Affairs (DHA)

The National Code 2018 requires that when a student's external appeal is against ATCWA's decision to report the student for unsatisfactory course progress, ATCWA must maintain the student's enrolment (e.g. not report the student for unsatisfactory progress) until the external complaints process is complete and has supported the provider's decision to report before notifying the Department of Education and Training (DET) and Department of Home Affairs (DHA) through PRISMS of the change to the student's enrolment.

ATCWA must wait for the outcome of the external process in this case as reporting a student for unsatisfactory progress has serious consequences for the student's visa; although automatic visa cancellation no longer exists, DHA may still cancel a student's visa at their discretion.

If the student's external appeal is against ATCWA decision to:

- Defer or suspend a student's enrolment due to misbehaviour, or
- To cancel the student's enrolment

ATCWA only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the DET and DHA through PRISMS of the change to the student's enrolment.

Once DET and DHA have been notified of a deferment, suspension or cancellation of a student's enrolment via PRISMS, the student has twenty-eight (28) days in which to:

- Leave Australia;
- Show DHA a new Confirmation of Enrolment (CoE); or
- Provide DHA with evidence that he or she has accessed an external Appeals process.

Suspension or cancellation of a student's enrolment before the internal appeals process is complete if extenuating circumstances relating to the welfare of the student or others

In cases where ATCWA has reason for concern for the welfare of the student or those with whom the student may come into contact, the provider can cancel the student's enrolment prior to completion of the appeals process. Where extenuating circumstances are considered to exist, the DOO or CEO will make the final decision and inform the Student Support Officer (or Operations Manager) who will then issue any correspondence (pro-forma in Appendix A) and report to the DET and DHA through PRISMS.

The 'extenuating circumstances' option covers situations where a student's behaviour has led ATCWA to fear for the safety and wellbeing of the student and/or people the student may encounter. In this case, ATCWA may cancel the student's enrolment without having to wait for the outcome of the internal appeals process. However, the student can still appeal from his or her Australian residence or home country. Once ATCWA notifies the DET and DHA of the cancellation of a student's enrolment through PRISMS, the student has twenty-eight (28) days in which to find alternative enrolment or to return to his or her home country. If the student secures enrolment with another provider within the twenty-eight (28) days, the student may commence studies with the new provider. If the student does not secure alternative enrolment or return home within twenty-eight (28) days, the student's visa may be cancelled. (Please note that cancelling a student's enrolment does not always lead to automatic cancellation of the student's visa. DHA may contact a student to explain the circumstances relating to the cancellation of the enrolment and may cancel a student's visa subsequent to this happening).

Under the National Code 2018, the student has the right to appeal with ATCWA if he or she wishes to do so, whether still in Australia or in the home country. ATCWA must notify the student of its intention to cancel the student's enrolment prior to notifying DET and DHA through PRISMS of the cancellation. If ATCWA notifies DET and DHA through PRISMS that it is cancelling a student's enrolment for disciplinary reasons, the student has chosen to access the appeals process but the appeals process has not been completed, PRISMS will ask ATCWA if extenuating circumstances apply. If ATCWA chooses 'Yes', a dialogue box will pop up containing the following text:

'You are reminded that, even though you may report now because extenuating circumstances exist, this student must still be given the opportunity to appeal your decision to suspend or cancel the enrolment.'

If ATCWA then clicks 'OK', a free text box will appear so providers can enter the details of the extenuating circumstances.

Procedure

‘Informal’ Complaint Management

- If the complaint is received orally or in writing, note complainant’s name, course attending, contact details and brief details of the complaint.
- Staff member must direct complainant to ATCWA’s website and if an oral complaint, request complaint to be made in writing (if the complainant does not wish to provide a written complaint the complaint must still be investigated and resolved).
- Staff member makes entry in the Complaints & Appeals Register.
- Staff member personally discusses the complaint with the relevant management team member who will determine if the complaint is to be managed through the ‘formal’ or ‘informal’ process (in this procedure the determination is ‘informal’).
- Staff member should take such action as discussed with relevant management team member in an attempt to resolve the complaint.
- Once an apparent resolution is reached, the staff member prepares a draft letter and submits to the relevant management team member for approval.
- The relevant management team member will review contents of the draft letter and if a possible HR issue raise it with the HR Manager before proceeding any further. If no possible HR issue or once the HR issue is resolved, the relevant management team member can then proceed with content of the letter.
- Once finalised, the complainant and any other party relevant to the complaint must be provided with a copy of the letter (persons other than the complainant must be shown as a cc on the letter). The letter invites the complainant to acknowledge their satisfaction or otherwise of the outcome (if not satisfied the complaints becomes a formal complaint).
- Where the complainant indicates he/she is satisfied with the outcome, the relevant files must be updated, i.e. Complaints & Appeals Register, student file and, if relevant, staff file(s).
- The complaint file must be stored and retained for five (5) years.
- The complaint file must be stored and retained for two (2) years after becoming an **accepted student** of ATCWA.

‘Formal’ Complaint Management

- If the complaint is received orally or in writing – note complainant’s name, course attending, contact details and brief details of the complaint.
- Staff member must direct the complainant to ATCWA’s website and if oral complaint, request complaint to be made in writing (if the complainant does not wish to provide a written complaint the complaint must still be investigated and resolved).
- Staff member makes entry in the Complaints & Appeals Register.
- Staff member personally discusses the complaint with the relevant management team member who will determine if the complaint is to be managed through the ‘formal’ or ‘informal’ process (in this procedure the determination is ‘formal’).
- Relevant management team member forwards client with written acknowledgement of complaint within five (5) business days acknowledging receipt of the complaint.
- Relevant management team member investigates and liaises with relevant staff (also HR if staff conduct involved) to resolve the complaint – during this process student must be provided with opportunity to present his/her case and they must be informed that they can be assisted or accompanied by a support person if they wish.
- Once an apparent resolution is reached, the relevant management team member prepares a draft letter and submits to the Chief Executive Officer for approval.
- Once approved, the complainant and any other party relevant to the complaint must be provided with a copy of the letter (persons other than the complainant must be shown as a cc on the letter). The letter advises of the outcome and any reason for the decision that was made. The letter should also invite the complainant to acknowledge their satisfaction or otherwise of the outcome (if not satisfied the complainant is about to seek external review by the Overseas Student Ombudsman). This letter must be provided by ATCWA to the student within ten (10) working days.
- Where the complainant indicates he/she is satisfied with the outcome, the relevant files must be updated i.e. Complaints & Appeals Register, a copy placed on the student file and, if relevant, staff file(s).
- The complaint file must be stored and retained for five (5) years.

Request for External Review by Overseas Students Ombudsman

- Update the Complaints & Appeals Register.
- Personally discuss with the Chief Executive Officer.
- Relevant management team member is to contact Overseas Student Ombudsman and liaise as required.
- Attend external review meeting(s) as required.
- Document the process throughout keeping the complaints file updated.
- Once resolved, provide the client and any other relevant person with a copy of the Overseas Student Ombudsman determination.
- Update file as required i.e. Complaints & Appeals Register, student file and, if relevant, staff file(s).
- The complaint file must be stored and retained for five (5) years.

Related Documents

- Complaints and Appeals Form;
- Complaints and Appeals Register;
- Deferment, Suspension and Cancellation Policy & Procedure;
- Continuous Improvement Policy and Procedure;
- Student Misconduct Policy;