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# **Complaints and Appeals Policy & Procedures**

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## Introduction

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

### 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 – Standard 10 - Part B

### Version Control History

Version	Date	Author	Change Description
001	6 June 2019	ATCWA	Creation of policy
002	3 June 2020	ATCWA	Review of Policy
003	23 June 2021	ATCWA	Review of Policy
004	23 July 2021	DOS / Compliance	Update of the entire policy and procedure to reflect the current procedure
005	15 August 2022	DOS / Compliance	Annual review
006	27 August 2022	DOS / Compliance	Changes to the formatting and minor changes to the procedures to be in-lined with the changes introduced to the SOP in late August 2022

## Policy

### Purpose:

To ensure that ATCWA's complaints and appeals policy and procedures are fair, consistent and accessible to all the parties involved.

### Scope:

This policy and its procedures apply to all international students and intending international students at ATCWA.

It ensures that ATCWA has an appropriate internal complaints handling and appeals procedure that satisfies the following requirements:

- the capacity to lodge 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;
- the opportunity for each complainant or appellant to formally present his or her case at minimal or no personal cost;
- a provision that each party may be accompanied and assisted by a support person at any relevant meetings;
- provision, to the complainant or appellant, of a written statement of the outcome, including details of the reasons for the outcome; and
- an undertaking that the procedure will commence within ten (10) working days of the formal lodgement of the complaint or appeal and supporting information, with all reasonable measures taken to finalise the outcome as soon as practicable.

ATCWA classifies complaints and appeals as 'academic' and 'non-academic'.

*Non-Academic* complaints/appeals are about, but not limited to:

- admissions, enrolment and commencement
- administration
- marketing and communication
- resources and facilities
- fees, charges and payments
- student support
- staff/student behaviour

*Academic* complaints/appeals are about, but not limited to:

- participation/attendance

- assessments
- results/outcomes
- course progress
- Statements of Attainment / Certificate (s)
- Recognition of Prior Learning / Credit Transfer
- Trainer & Assessor

## Responsibilities:

ATCWA collects data and maintains a “Complaints and Appeals Register” to collect and keep records of all complaints received and their outcomes. All documentation relating to complaints and appeals including the register, will be maintained by the Director of Studies/Compliance.

Any complaint will be handled fairly, recognising the rights of both the person making the complaint, ATCWA and the 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 complaints and appeals by ensuring information about the procedure is widely available, and by informing its stakeholders about the feedback received and the actions taken to improve this policy and procedure.

As part of the ATCWA's continuous improvement strategy, the complaints and appeals register should be reviewed by the following management team on a quarterly basis:

- CEO / Director of Operations
- Director of Studies / Compliance
- Training Coordinator
- Student Support Officer
- Where necessary, other applicable staff will be involved.

If any discrepancy is identified, immediate actions must be taken to rectify the issue and the register should be updated.

If a student chooses to access the ATCWA's complaints and appeals procedure, ATCWA must maintain the student's enrolment while the complaints and appeals process is ongoing. At any point a complaint may be withdrawn by the complainant.

If a student is dissatisfied with the result or conduct of the internal complaints and appeals procedure, the student has the right to access an external appeals process through the Overseas Students Ombudsman <http://www.oso.gov.au>. In such cases, ATCWA must advise the student of his or her right to access the external appeals process at minimal or no cost, and guide the student to proceed with seeking advice or proceeding to lodge the external complaint or appeal.

Contact details for the Overseas Students Ombudsman are:

- Website: <http://www.oso.gov.au>
- Email: [ombudsman@ombudsman.gov.au](mailto: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

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

## Implementation:

By establishing this policy and the procedures, ATCWA ensures the fairness and the effective implementation of the policy and procedures by training staff who are involved in the process. Staff training will be conducted during staff induction, on the job training and through professional development sessions. Staff are able to electronically access this Policy and Procedures document through the ATCWA staff folder.

For prospective students, the Policy and Procedures document can be accessed on the ATCWA website. Current students are able to access this policy and procedure:

- through accessing the college website;
- at the course orientation;
- in their Training and Assessment Plan;
- in person at the ATCWA Reception desk, or by
- contacting the Student Support Officer.

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 required corrective and/or preventative actions within ten (10) working days.

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, only if 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.

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. Therefore, ATCWA will not exclude the student from class.

## **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 completed can occur if there are 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 with, as the provider, ATCWA 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 Operations Manager who will then issue any correspondence 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 as a result of 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 their home country. ATCWA must notify the student of its intention to cancel the student's enrolment due to disciplinary reason, prior to notifying DET and DHA through

PRISMS of the cancellation. In such cases, ATCWA will follow the PRISMS instructions to proceed with the cancellation.

## Procedures

### Handling 'Informal' Complaints:

1. All informal complaints, appeals and grievances are to be handled by the SSO.
2. If the complaint is received orally, SSO should discuss it with DOS/Compliance and resolve the issue. If the issue is identified as serious, the formal complaint and appeals procedure must be followed and the student must be guided to lodge a formal complaint/appeal.
3. If the complaint is related to the student support services, the complaints and appeals must be directed to DOS/Compliance.
4. Determine if the complaint is to be managed through the 'formal' or 'informal' process (in this procedure the determination is 'informal').
5. If the complaint has received in writing, SSO must register the details of the complaint in the Complaints and Appeals register. If the complainant does not wish to provide a written complaint the complaint must still be investigated and resolved by DOS/Compliance and a confidential meeting should be conducted.
6. DOS/Compliance to review the complaint and discuss with the relevant parties in an attempt to resolve the complaint.
7. If there are no further issues, SSO must proceed with recording the resolution and update the register and if relevant, the student file.

Where applicable, 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 copied in the letter). The letter invites the complainant to acknowledge their satisfaction or otherwise of the outcome (if not satisfied, the complaint becomes a formal complaint).

Where the complainant indicates he/she is satisfied with the outcome, the following records must be updated:

- Complaints & Appeals Register
- Student file and if relevant, staff file(s)

These records must be stored and retained for five (5) years. Where required, confidentiality of such records, must be maintained.

## **'Handling 'Formal' Complaints:**

1. If the complaint is received orally, the complainant should be directed to meet with DOS/Compliance and then this procedure must be followed.
2. If the complaint is received writing, register the details of the complaint in the Complaints and Appeals register. If the complainant does not wish to provide a written complaint the complaint must still be investigated and resolved.
3. Determine if the complaint is to be managed through the 'formal' or 'informal' process (in this procedure the determination is 'formal').
4. DOS/Compliance to acknowledge in writing the receipt of the complaint within five (5) business days. Where possible, DOS/Compliance may meet and discuss with the student/parties who have made the complaint and in such cases, no written acknowledgement may not be compulsory, however, the meeting records must be maintained in the RTOM.
5. DOS/Compliance is to investigate and liaise with relevant staff to resolve the complaint. During this process the student must be provided with the 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 to do so.
6. DOS/Compliance is to proceed with communicating the outcome of the complaint or appeal within 10 business days from the date of the meeting conducted. Where possible, the outcome may discuss with the student and the student must agree with the outcome.

- 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 copied in 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 the complainant is not satisfied, the complainant should be advised to seek an external review by the Overseas Student Ombudsman.
7. Where the complainant indicates he/she is satisfied with the outcome, the following records must be updated:
- Complaints & Appeals Register
  - Student file and if relevant, staff file(s)

These records must be stored and retained for five (5) years. Where required, confidentiality of such records, must be strictly maintained.

## Supporting Documents

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