

COMPLAINTS, GRIEVANCES AND APPEALS

Policy and Procedure

Version 2.2

VERSION CONTROL & DOCUMENT HISTORY		
Date	Summary of modifications made	Version no.
July 2009	Created	V1
June 2011	Amendments	V1.1
July 2011	Amendments	V1.2
Aug 2011	Revised Version Control and Document History	V1.3
Jan 2012	Reformatted document in Arial font	V1.4
Aug 2012	Insert flow chart with Overseas students Ombudsman details	V1.5
May 2013	Replace Academic Director with Managing Director	V1.6
Nov 2013	Replace Anne Duncan with generic email at DES	V1.7
Jun 2015	Change new complaint lodgement form Version 1.8	V1.8
July 2016	Amended version control and document history	V1.9
Oct 2016	Separate Complaint/ Grievance and Appeal procedure	V2.0
Aug 2018	Update to align with National Code of Practice for Providers of Education and Training to Overseas Students 2018 and add the procedure if more than 60 days	V2.1
Jul 2019	Add procedure on complaint about staff members	V2.2
Next Review: Aug 2019		
Staff Responsible: Client Services Manager		

Policy Description

This policy/procedure supports

- Standard 10 – Complaints and Appeals of *The National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2018* (“**the National Code**”). – For International students on student visa
- Standard 6: Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively of *the Standards for Registered Training Organisations 2015 made under the National Vocational Education and Training Regulator Act 2011* (“**RTO Standards**”)- For all students

APSI’s complaints, grievance and appeal processes are independent, easily and immediately accessible and inexpensive for the parties involved.

All students, staff, external and internal stakeholders of APSI can file complaints and voice their grievance if they are not satisfactory with the services and policies and procedures of APSI. APSI will endeavour to reach a resolution and file a response within a reasonable time frame specified below.

This policy and procedure mainly deals with students who are enrolled with APSI. Other stakeholders or staff will go through a separate process.

Each complainant has an opportunity to formally present his or her case at minimal or no cost to him/her. There is also an external arbitrator in place if the complainant is not satisfied with the response from APSI.

Procedures

The procedures for complaint and appeal are separate into

1. Complaints
2. Appeals
3. External Complaints and Appeals
4. Implementation
5. Record Keeping

APSI classifies complaints as “academic” and “administrative”. The complaints process for both types of complaints is the same with the only difference being that different staff member will attend to the handling of the complaint process.

The complaints process is separated into informal and formal complaint processes. APSI encourages all complainants to try to resolve any issues/complaint informally in the first instance. If complainant is still not satisfied with the informal complaint outcome, then the complainant is encouraged to lodge a formal complaint by using the Complaint and Appeal Lodgement Form which is available from its website or student services counter.

1. Complaints

1.1 Informal Complaint Process

APSI encourages all complainants to contact the other party to discuss matters openly with each other to come to a satisfactory resolution for all concerned. Students are welcome to bring a support person of their choice to a meeting to assist in resolving any issues in an informal manner.

During this process every effort shall be made to resolve the matter. This may include advice, discussions and general mediation in relation to the issue and the student's grievance. Any staff member can be involved in this informal process to resolve issues. All staff members are aware that these matters should remain confidential between the parties concerned. All staff members are aware that issues will arise from time to time and that it is in the best interest of all parties concerned that these matters be dealt with as quickly and easily as possible. All parties should listen to each other with openness to the other person's point of view and with a desire to come to a resolution which is acceptable for all.

APSI recommends that all complainants attempt to resolve any complaints through an informal process before accessing the formal complaints process. Once the complainant has lodged a formal complaint form through student services, the following procedures must be followed.

1.2 Formal Complaints Process

Internal Complaints

All formal complaints are submitted to the Student Services Manager in writing by using the Complaints and Appeal Lodgement Form which is available from APSI website or from Student Services.

Once the lodgement form is received, Student Services Manager writes to the complainant within 48 hours to acknowledge receipt of complaint through WiseNET email system.

Once a complaint has been filed and logged in the Complaints Register, Student Services Manager shall notify the relevant staff – course coordinator or Client Services Manager of the nature of the complaint and provide any further documentation related to the matter.

The Student Services Manager shall then refer the matter to the course coordinator to resolve, or shall make a decision on the complaint at hand within 10 working days. Within this timeframe the complainant shall be kept informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.

If required, student can be requested to attend a meeting to resolve the complaint. Students are welcome to bring a support person of their choice to a meeting to assist in resolving any issues and present their case.

For academic related complaints, the course co-ordinator will attend any meetings. For administrative related complaints, the Student Services Manager or Client Services

Manager will attend any meetings.

Once a decision has been reached, the Student Services Manager shall inform all parties involved of the reasons for the decision and outcomes that are concluded in writing. A formal response to complaint letter will be issued to the complainant within 10 working days. The Student Services Manager will write to the complainant if it takes longer than 10 working days to respond to the complaint and keep him/her aware of the progress.

Copies of all documentation relating to the complaint will be entered into the Complaints Register and on the student's logbook in WiseNET by the Student Services Manager.

Where a decision is made in favour of the student, APSI will immediately advise the student of this and implement any corrective and preventive action required. If the student is not satisfied with the decision and outcome of the formal complaint, the student shall be notified that he/she has the right to appeal. Please refer to the appeals procedure in Part 2.

2. Appeals

2.1 Internal Appeals

All students have the right to appeal decisions made by the APSI where reasonable grounds can be established. The areas in which a student may appeal a decision made by APSI may include:

- Outcomes of assessments conducted
- Intention to report to the Department of Home Affairs in relation to breaches of course progress, academic performance or attendance requirements
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
- Or any other conclusion that is made after a complaint has been dealt with by APSI in the first instance.

To appeal a decision APSI must receive, in writing, the grounds of the appeal. Students are referred to the appeals procedure and are required to complete the Complaints and Appeals Lodgement Form which is available on its website or from student services. Once the formal appeal form is received, Student Services Manager will reply to the appellant to acknowledge receipt of the appeal within 48 hours.

The process for all formally lodged appeals will be responded within 10 working days of the appeal being lodged. Client Services Manager shall organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.

2.2 General Appeals

If the appeal is in relation to general matters including calculation of refund, Client Services Manager shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.

The student shall be notified in writing of the decision within 10 working days and the 'Complaints and Appeals Register' updated.

2.3 Assessment Appeals

Where a student wishes to appeal an assessment, he/she is required to notify his/her trainer/assessor in the first instance. Following receipt of the appeal the trainer/assessor may re-assess the student. The trainer/assessor shall provide the student with a written report regarding the re-assessment or the reasons why re-assessment is not granted.

If the decision is not to the student's satisfaction the student may formally lodge an appeal by submitting the Complaints and Appeals Lodgement Form outlining his/her reasons for the formal appeal. Client Services Manager will be notified and provided with details of the assessment/s and may consider it appropriate to undertake a further re-assessment of the student by another trainer /assessor.

The student shall be notified in writing of the final decision of his/her formal appeal within 10 working days and the Complaints Register is updated by student services manager.

2.4 Intention to Report Appeals

Where a student wishes to appeal APSI's intent to notify the Department of Home Affairs of a breach of academic or attendance requirements, the student must contact the Client Services Manager and arrange a meeting within 20 working days when the intention to report letter is issued. In the meeting, the student must provide grounds of his/her appeal to the decision on intention to report and present all supporting documents.

The student should outline any existing extenuating circumstances explaining the reason of breach of the requirements and must be able to provide evidence of these circumstances.

The appeal shall be lodged with the Student Services Manager whom shall enter the Complaints and Appeals Register.

The Client Services Manager shall be notified and shall seek details regarding the breach and shall make a decision, following which the student shall be notified in writing of the outcome.

APSI will not report the breach until the appeals process has been finalised. APSI will maintain all relevant responsibilities until the breach has been reported to the Department of Home Affairs via the Provider Registration and International Students Management System ('PRISMS').

2.5 Deferral, Suspension or Cancellation of Enrolment Decisions Appeals

Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of his/her enrolment, the student is required to lodge the Complaints and Appeals Lodgement Form outlining the details of his/her appeal. The student should outline any existing extenuating, compassionate or compelling circumstances explaining why they believe the decision should be reviewed and must be able to provide evidence of these circumstances.

The appeal shall be lodged with the Student Services Manager whom shall enter the appeal into the Complaints and Appeals Register.

The Client Services Manager shall be notified and shall seek details regarding the breach and shall make a determination, following which the student shall be notified in writing of the outcome and the Complaints and Appeals Register updated.

APSI will not report the breach to the relevant authorities until the appeals process has been finalised. APSI will maintain all relevant responsibilities until the breach has been reported to the relevant authorities.

Students should note that during the internal complaints and appeals process, their enrolment at APSI will always be maintained – subject to extenuating circumstances.

3. External Complaints and Appeals

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 complaints and appeals process.

International students can contact the Commonwealth Ombudsman Services at no cost. The Commonwealth Ombudsman's services are free, independent and impartial, which means they do not advocate for students or education providers. International students can use this free and independent service to lodge an external complaint or appeal about a decision made by APSI.

Refer to the website www.ombudsman.gov.au or phone 1300 362 072 for more information or email to: ombudsman@ombudsman.gov.au

The turnaround time for External Appeals will be within one month of lodgement. If the external appeal process is in the student's favour, APSI will take immediate action to inform the student of the Ombudsman's determination and to implement any actions directed by the Ombudsman.

The National Code 2018 requires that when a student's external appeal is against APSI's intent to report the student for unsatisfactory course progress, APSI must maintain the student's enrolment and not report the student for unsatisfactory progress until the external complaints process has been finalised and has supported APSI's intention. Thereafter APSI can proceed to notify the Department of Home Affairs through PRISMS of the variation to the student's enrolment.

International Students can get access to further assistance after the determination of the Independent External Appeal Process. International Students can access consumer protection laws and seek further legal action, or refer to the appropriate government agency for general advice or information.

Domestic fee for service students can access the following organisations for further general advice and information.

Consumer Protection Council
Equal Opportunity Commission WA (www.equalopportunity.wa.gov.au)
Administration Appeals Tribunal (www.aat.gov.au)

Domestic students whose enrolled course are subsidised by the Department of Training and Workforce Development can access to further assistance from the department.

4. Implementation

4.1 If any of the external appeal process result in determinations that support the students appeal, APSI will take immediate action to inform the student of the relevant determination and to implement any actions directed by the independent organisation. The outcome of appeal will be entered into continuous improvement or corrective action register and will be discussed in the next staff meeting.

4.2 Where the management of APSI considers more than 60 calendar days are required to process and finalise the complaint or appeal, the Client Services Manager will

- a) inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
- b) regularly update the complainant or appellant on the progress of the matter.

5. Record Keeping

5.1 Student Services Manager is in charge of maintaining records of all complaints and appeals and their outcomes on the server under complaints and appeal register.

5.2 Client Services Manager or Course coordinator is in charge of identifying potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Associated Documents:

Name of Document	Version No	Location of Document
Complaints and Appeals Lodgement Form	2.0 Sep 2018	S:\Staff\Academic Document\FORMS