

# States College Australia Policy & Procedure

## Complaints & Appeals

<b>Purpose</b>	The purpose of this Policy & Procedure (P&P) is to ensure that all complaints and appeals are dealt with, in a constructive and timely manner. It ensures overseas and domestic students have the right to natural justice protected through access to professional, timely, inexpensive, and documented complaints handling and appeals processes.
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<b>Inputs</b>	<p><b>Standards for Registered Training Organisations (RTOs) 2015</b></p> <p><b>Standard 5 - Each learner is properly informed and protected.</b></p> <p>5.2. Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides, in print or through referral to an electronic copy, current and accurate information that enables the learner to make informed decisions about undertaking training with the RTO and at a minimum includes the following content:</p> <p>d) the learner's rights, including:</p> <p>i) details of the RTO's complaints and appeals process required by Standard 6;</p> <p><b>Standard 6 – Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.</b></p> <p>Subject to Clause 6.6, to be compliant with Standard 6 the RTO must meet the following:</p> <p>6.1. The RTO has a complaints policy to manage and respond to allegations involving the conduct of:</p> <p>a) the RTO, its trainers, assessors, or other staff;</p> <p>b) a third-party providing services on the RTO's behalf, its trainers, assessors or other staff; or</p> <p>c) a learner of the RTO.</p> <p>6.2. The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third-party providing services on the RTO's behalf.</p> <p>6.3 RTO's complaints policy and appeals policy:</p> <p>a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;</p>
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	<ul style="list-style-type: none"> <li>b) are publicly available;</li> <li>c) set out the procedure for making a complaint or requesting an appeal;</li> <li>d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and</li> <li>e) provide for review by an appropriate party independent of the RTO 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.</li> </ul> <p>6.4. Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:</p> <ul style="list-style-type: none"> <li>a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and</li> <li>b) regularly updates the complainant or appellant on the progress of the matter.</li> </ul> <p>6.5. The RTO:</p> <ul style="list-style-type: none"> <li>a) securely maintains records of all complaints and appeals and their outcomes; and</li> <li>b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.</li> </ul> <p>6.6. Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training and/or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 &amp; 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO.</p>
	<p><b>National Code of Practice for Providers of Education and Training to Overseas Students 2018</b></p> <p><b>Standard 10 Complaints and appeals</b></p> <p>10.1 The registered provider must have and implement a documented internal complaint handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.</p> <p>10.2 The registered provider’s internal complaints handling, and appeals process must:</p> <ul style="list-style-type: none"> <li>10.2.1 include a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally</li> <li>10.2.2 include that the provider will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the</li> </ul>

	<p>registered provider, the registered provider’s education agents or any related party the registered provider has an arrangement with to deliver the overseas student’s course or related services</p> <p>10.2.3 commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the registered provider’s complaints handling and appeals process and policy, and finalise the outcome as soon as practicable</p> <p>10.2.4 ensure the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings</p> <p>10.2.5 conduct the assessment of the complaint or appeal in a professional, fair and transparent manner</p> <p>10.2.6 ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome</p> <p>10.2.7 keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.</p> <p>10.3 If the overseas student is not successful in the registered provider’s internal complaints handling and appeals process, the registered provider must advise the overseas student within 10 working days of concluding the internal review of the overseas student’s right to access an external complaints handling and appeals process at minimal or no cost. The registered provider must give the overseas student the contact details of the appropriate complaints handling and external appeals body.</p> <p>10.4 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.</p>
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<p><b>Requirement</b></p>	<p>The RTO must have a policy for dealing with complaints and appeals about the organisation, third parties, staff or other learners. They must also have an appeals policy, in case there is a request to review or reconsider a decision that has been made.</p> <p>These policies must be publicly available, for example, by including them on the RTO website or displaying them in common areas for staff and learners.</p> <p>The RTO's process must follow the principles of natural justice and procedural fairness and the decision maker is to be independent of the decision being reviewed.</p> <p>The policy should disclose any costs associated with a third-party review so all parties are aware of any costs they may need to pay.</p> <p>The RTO must deal with complaints and appeals promptly. The timeframes that will apply to resolution of complaints and appeals should be identified, so that complainants know how long it should take to get a response from the RTO at all stages of the process. If a complaint or appeal (including any review process) will take more than 60 days to finalise, the RTO is to write to the people involved explaining the delay.</p> <p>The RTO is to record all complaints and appeals received, and document outcomes. This information is to be used to review the RTO's processes and practices to ensure the issue doesn't happen again.</p> <p>The RTO is to identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.</p>
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<p><b>Reference Documentation</b></p>	<p>Other reference documentation which relates to this P&amp;P includes:</p> <ul style="list-style-type: none"> <li>• ASQA Publications <ul style="list-style-type: none"> <li>o Policy - Managing complaints about providers</li> </ul> </li> </ul>
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<p><b>Tools &amp; Templates</b></p>	<p>This P&amp;P is supported by the Tools &amp; Templates identified at each stage in the process.</p>
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<b>Policy</b>	<p>The Complaints and appeals Policy &amp; Procedure will be made publicly available on States College Australia website and the assessment of the complaint or appeal will be conducted in a professional, fair and transparent manner.</p> <p>Student is given an opportunity to formally present their case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings.</p> <hr/> <p><b>Complaints</b></p> <p>States College Australia has a complaints and appeals policy to manage and respond to allegations involving the conduct of:</p> <ul style="list-style-type: none"> <li>• States College Australia, its trainers, assessors, or other staff;</li> <li>• related parties providing services on States College Australia’s behalf, including education agents</li> <li>• a student of States College Australia.</li> </ul> <p>States College Australia will deal with any complaints, whether from students, clients, or staff in an effective and timely manner, starting to deal with all complaints within 10 working days of it being made and finalise the outcome as soon as practicable.</p> <hr/> <p><b>Assessment Appeals</b></p> <p>A student may appeal against an assessment outcome within 10 working days of receiving notification of their results.</p> <p>The grounds for an assessment appeal are:</p> <ul style="list-style-type: none"> <li>• The judgement as to whether competence has been achieved and demonstrated was made incorrectly.</li> <li>• The assessment plan is not flexible or fair.</li> <li>• Judgement was not made in line with the assessment plan.</li> <li>• The assessment plan does not address the collection of evidence sufficiently.</li> </ul> <hr/> <p><b>Resolution</b></p> <p>States College Australia will deal with any complains or student appeals in an effective and timely manner and finalise the outcome as soon as practicable.</p> <ul style="list-style-type: none"> <li>• The student or staff member will be given the outcome of each complaint or appeal, and which is also to include a statement of the reasons for the outcome.</li> <li>• States College Australia will act upon any substantiated complaints or appeals.</li> </ul> <p>The administration is responsible for managing the resolution of the complaints and appeals.</p> <p>If the complaint or appeal has not been resolved using the States College Australia internal complaints handling and appeals process, the student or</p>
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	<p>staff member will be advised within 10 working days of concluding the internal review.</p> <p>The student or staff member will be informed of their right to access an external complaint handling and appeals process at minimal or no cost and be provided with the contact details of the appropriate complaints handling and external appeals body.</p> <p>If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the student or Staff member, States College Australia will immediately implement the decision or recommendation and take the preventive or corrective action required by the decision; the student or staff member is to be advised of that action.</p> <p>Where more than 60 calendar days are required to process and finalise the complaint or appeal, Administrator:</p> <ul style="list-style-type: none"> <li>• will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and</li> <li>• regularly updates the complainant or appellant on the progress of the matter.</li> </ul> <p>Written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome are to be kept and recorded on States College Australia Complaints &amp; Appeals Register. Each complaint or appeal is to be reviewed at the monthly management meetings and, if appropriate, will result in a continuous improvements activity.</p> <p>Also, possible causes of complaints or appeals are to be identified and corrective action is to be taken to eliminate or mitigate the likelihood of reoccurrence.</p> <p>If the client or student is still not satisfied with the resolution of the complaint or appeal, they can seek further assistance from Independent Adjudicator.</p> <p>States College Australia is to identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.</p>
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<b>Procedure</b>	
<b>Initial complaint</b>	
<p>When a staff member is approached by a student about a complaint, they should in the first instance attempt to resolve the issue themselves.</p> <ol style="list-style-type: none"> <li>1. Student has a complaint- is guided to address it themselves (if appropriate/ safe to do so)</li> <li>2. Approaches Trainer/ receptionist/ admin staff member with complaint</li> <li>3. Trainer/ receptionist/ admin staff member resolves complaint internally on an informal basis</li> </ol>	<p><b>Tools &amp; Templates</b></p> <p><b>Responsibility</b></p> <p>Any staff member</p>
<b>Output:</b> Complaint resolved without intervention	

<b>Receiving the complaint procedure</b>	
<ol style="list-style-type: none"> <li>1. Student has a complaint</li> <li>2. Student lodges the complaint in writing to Administrator within 5 business days of the incident occurring</li> <li>3. The written complaint will be acknowledged by States College Australia in writing, along with an outline of the processes to be followed and an estimated time frame.</li> <li>4. Review of the complaint to begin within 10 working days of receipt of the written complaint</li> <li>5. The student's enrolment will be maintained during the review process (if there is a threat the student will be deported)</li> <li>6. A written statement detailing the outcome of the complaint review will be given to the student</li> <li>7. In the event of a favourable outcome for the student, States College Australia will immediately advise and implement any decision</li> <li>8. If student is unhappy with result – student is able to lodge internal appeals process</li> <li>9. Student able to pursue external appeal at no extra cost to them if they are not satisfied with the outcome of the complaint review.</li> </ol>	<p><b>Tools &amp; Templates</b></p> <p>SCA Template – Complaints &amp; Appeals Form</p> <p>SCA Template – Complaints &amp; Appeals Register</p> <p><b>Responsibility</b></p> <p>Administration Officer/ Campus Manager</p>
<b>Output:</b> Written record of a complaint acknowledged and responded to.	

<b>The complaint is proven</b>	
<p>If a complaint is upheld States College Australia will implement the decision or recommendation and take the preventive or corrective action required by the decision.</p> <p>The student or member of staff will be advised of any action taken.</p>	<p><b>Tools &amp; Templates</b></p> <p><b>Responsibility</b> Administration Officer</p>
<p><b>Output:</b> The student or member of staff will be advised of any action taken.</p>	

<b>Complaint is not proven</b>	
<p>If the complaint is not proven and the student is not satisfied with the resolution, they can seek further assistance through an internal appeals process.</p> <p>Appeals against States College Australia decisions including, assessment decisions, are to be submitted in writing on the States College Australia – Complaint &amp; Appeal Form.</p> <p>The student or member of staff will be provided with States College Australia Template – Complaint &amp; Appeal Form, where they can lodge their appeal against decisions including, assessment decisions, in an effective and timely manner.</p>	<p><b>Tools &amp; Templates</b> SCA Template – Complaints &amp; Appeals Form</p> <p><b>Responsibility</b> Administration Officer</p>
<p><b>Output:</b> Written appeal lodged</p>	

<b>Assessment Appeals</b>	
<p>States College Australia will deal with any student or staff appeals against decisions including, assessment decisions, in an effective and timely manner, typically resolving all appeals within 14 days.</p> <p>Each appeal and its outcomes will be recorded in writing on the States College Australia Complaints &amp; Appeals Register.</p> <p>Each appeal is heard by the CEO.</p> <p>Each appellant:</p> <ul style="list-style-type: none"> <li>• Has the opportunity to formally present his or her case</li> <li>• Is given a written statement of the appeals outcomes, including reasons for the decision.</li> </ul>	<p><b>Tools &amp; Templates</b> SCA Template – Complaints &amp; Appeals Form SCA Template – Complaints &amp; Appeals Register</p> <p><b>Responsibility</b> CEO/Receptionist</p>
<p><b>Output:</b> Written appeal decision statement</p>	



### The appeal is proven

If an appeal is proven, States College Australia will implement the decision or recommendation and take the preventive or corrective action required by the decision.

The student or member of staff will be advised of any action taken.

#### Tools and Templates

#### Responsibility

Appropriate member of staff

**Output:** The student or member of staff will be advised of any action taken.

### Appeal is not proven

If the appeal is not proven and the student or member of staff is not satisfied with the resolution of the appeal, they can seek further assistance through an external complaint handling and appeals process facilitated by an Independent Adjudicator.

The student or member of staff will be provided with the contact details of the appropriate appeals handling and external appeals body.

<https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

#### Tools & Templates

#### Responsibility

Administration Officer

**Output:** Advice sought from an Independent Adjudicator

### Review

All complaints and appeals are reviewed at the regular management meeting and if appropriate will result in a continuous improvements action.

States College Australia is to identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

#### Tools & Templates

SCA Template –  
Complaints & Appeals  
Register

SCA Template –  
Continuous  
Improvement Register

#### Responsibility

CEO

**Output:** Continuous improvement action

### Key Performance Indicator

The effectiveness of this P&P will be measured by the number of appeals and complaints resolved without the intervention of an Independent Adjudicator