

Australian College for Excellence(ACE)

Achieve your goals through excellence

ABN No: 99 625 415 849 RTO No: 45577 CRICOS No: 03823C



Complaints and Appeals Policy



Document Control

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| Complaints and Appeals Policy | Date Approved: January 2020 | Review Date: January 2021 | V1.0 |
| Managed By: RTO Manager | Approved By: CEO | Status: Published January 2020 | |



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Revision Record

| Date | Version | Revision Description |
|------------|---------|----------------------|
| 22/04/2018 | D0.01 | Policy Created |
| 07/01/2020 | V1.0 | Policy Published |
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COMPLAINTS AND APPEALS POLICY

PURPOSE

This policy outlines the Australian College for Excellence (ACE)'s approach to managing complaints and appeals and ensures that all students are aware of the steps to take to have their dissatisfaction addressed appropriately. It provides an avenue for all complaints to be addressed in a fair, efficient and confidential manner.

SCOPE

This policy applies to all students.

OBJECTIVE

Australian College for Excellence (ACE) should effectively

- Manage and respond to allegations involving the conduct of:
 - the RTO, its trainers, assessors or other staff
 - a third-party providing services on the RTO's behalf, its trainers, assessors or other staff or
 - a learner of the RTO.
- 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.



POLICY DETAILS

ACE should:

- Ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process.
- Ensure the policy is publicly available.
- Provide the overseas student with comprehensive, free and easily accessible information about the process and policy.
- Set out the procedure for making a complaint or requesting an appeal.
- Ensure complaints and requests for complaints and appeals have commenced assessment within 10 working days and finalised as soon as practicable.
- Make every effort to reach a determination and communicate it to the student as soon as possible. If ACE considers more than 60 calendar days to process and finalise the complaint or appeal, ACE will: inform the student in writing, including why more than 60 calendar days are required, and regularly update the student on the progress of the matter.
- Ensure that the decision maker is independent of the decision being reviewed.
- Provide for review by an appropriate party independent of ACE 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.
- Securely maintain written records of all complaints and appeals and their outcomes, including the reasons, and
- Identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

PRINCIPLES OF NATURAL JUSTICE

This policy and procedures are designed to support the student's right to natural justice. For the avoidance of doubt, these principles will override any others that may be proscribed below.



ACE will:

- Keep all parties involved in any allegations fully informed of the issues, the case and any facts that may pertain to that party.
- Provide those involved an opportunity to present their side of the matter so that an informed decision based on the facts can be made.
- Operate in a fair and unbiased way.
- If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, ACE 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

IF YOU HAVE BEEN SUSPENDED OR EXCLUDED

It is normal policy whilst a student is going through any formal complaint or appeal process that the student remains enrolled at ACE and continue their studies and assessments in the normal way. However, if the complaint or appeal relates to the student being suspended or excluded as a result of a breach of the Student Code of Conduct, then that suspension or exclusion shall continue until either it has expired, or the result of the complaint or appeal is decided in the students' favour.

STUDENT LEGAL RIGHTS

Nothing in this or any other policy removes the student's right to get legal advice and to instigate legal action against the college or others if they so choose.

PROCESS AND PROCEDURE

ACE strives to provide a quality service in a safe and secure environment. In the first instance it is better (subject to the circumstances) for the issue to be resolved at the time in a discussion with the relevant parties. Where this is not possible, or there is no resolution then this formal process is in place to expedite the resolution of the complaint or appeal.



The steps (in order of escalation) are:

- Informal Resolution
- Formal Resolution
 - A complaint: allegations involving the conduct of:
 - the RTO, its trainers, assessors or other staff
 - a third-party providing services on the RTO's behalf, its trainers, assessors or other staff or
 - a learner of the RTO.
 - Internal Appeal:
 - Academic Appeal: Refers to students appealing an academic matter, which may include, and it is not restricted to course progress, assessment outcomes, training delivery.
 - Non-Academic Appeal: refers to an appeal against any other decision made by the RTO, or against the determination of a complaint
- External Appeal: This refers to the matter being referred to an external body for mediation.

Students are advised that they should exhaust the internal process before resorting to an external appeal.

INFORMAL RESOLUTION

Whilst this is not a formal step in the process, students are encouraged to resolve the concern or difficulty directly with the staff member(s) and/or student(s) concerned. Any parties who have a complaint in the first instance are encouraged to approach the respondent with the object of informal resolution. However, it is recognized that this is not always appropriate, e.g. in cases of sexual harassment. If the complaint is not able to be resolved at this stage, the individual with the complaint has the right to consult, in confidence, any one of the following persons.



- Training Manager
- RTO Manager

The student involved in an Informal resolution of a complaint will try to resolve the matter via discussion, negotiation and agreements. This is not a compulsory step.

If the complaint is not able to be resolved informally, then the student should lodge a formal complaint.

FORMAL COMPLAINT

Where a complaint cannot be resolved informally, the student may submit a formal complaint to the RTO Manager by submitting a completed Complaints and Appeals Form that will include a description of the matter, who is involved in it, and any other appropriate. The receipt of the complaint will be acknowledged in writing either by letter or via email to the addresses last registered by the student with the RTO.

The RTO Manager for Non-academic matters and the Training Manager for academic matters will review the complaint. If the review is not favoured to the complainant, a meeting will be arranged consisting of RTO Manager or Training Manager and a staff member to facilitate determination of a resolution within 14 days of receipt of the complaint. Where this is not achievable an update will be sent to the complainant in writing with reasons for the delay and planned timetable for resolution. The student may be accompanied and assisted by a support person at any relevant meetings. The information provided by the student will be taken into account in along with any other information or evidence received.

Once a determination has been made, the student will be given a written statement of the outcomes, including reasons for the decision within 3 working days of the decision being made. If the student is not happy with the decision, he will be given the opportunity to appeal against the decision within 10 working days of the outcome, at no cost.



INTERNAL APPEAL

Student should appeal against the decision they believe is not fair within 10 working days of either:

- A compliant written determination being received; or
- An academic decision being made that a student does not agree with.

To lodge an appeal, the student must complete an 'Appeal Form' stating as to why the original decision was in their view 'unjust', to the RTO.

The RTO Manager will forward the 'Appeal Form' to the CEO, who will undertake a review, and may at his discretion call for input from any, or all interested parties. If the CEO's review is not favoured to the appellant, a meeting will be arranged consisting of Chief executive officer, Training Manager, RTO Manager, a staff member, complainant to facilitate determination of a resolution within 14 days of receipt of the appeal. Where this is not achievable an update must be sent to the appellant in writing with reasons for the delay and planned timetable for resolution. The appellant may elect to bring a third party to help them present their case as to why they believe the original decision was unjust.

Once a determination has been made the student will be given a written statement of the outcomes, including reasons for the decision within 3 working days of the decision being made. If the student is not happy with the decision, he will be given the opportunity to lodge an external appeal against the decision within 10 working days of the outcome, at no cost.

EXTERNAL APPEAL

In the unlikely event of a student still being unhappy with the outcome then they may submit the complaint and / or the internal appeal to external mediation.



ACE will approach Commonwealth Ombudsman (Ombudsman for the Overseas Student)

<http://www.ombudsman.gov.au/> for any external appeals made by student to handle as a mediator to review the case and make a final determination.

If a student has been through the internal process prior to seeking mediation, then the RTO agrees to pay the mediation costs to initiate the process. Where the student elects to not follow this procedure, then they are liable for all the mediation costs.

RECORD KEEPING

ACE will securely maintain records of all complaints and appeals and their outcomes in line with the Records Management Policy.

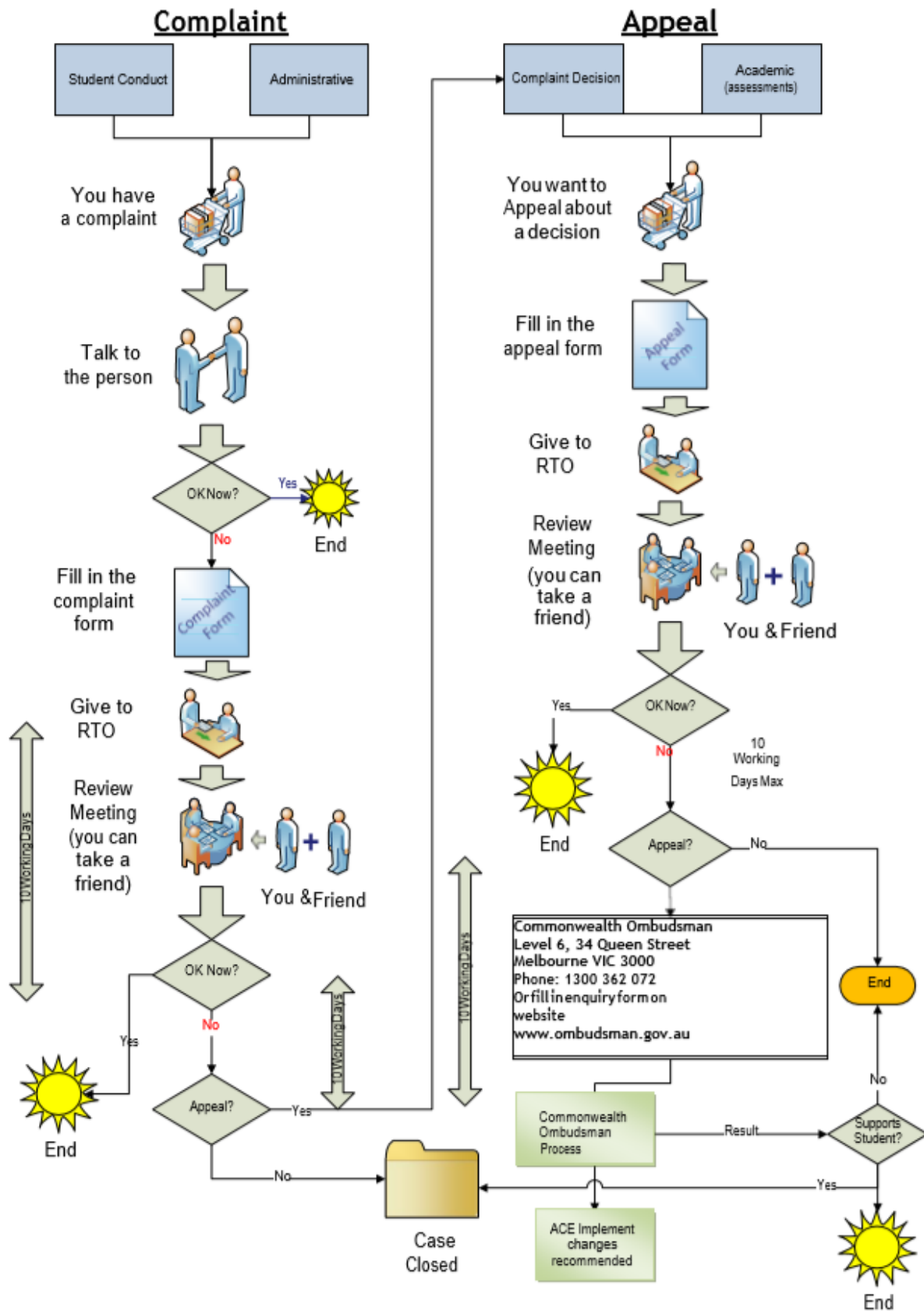
IDENTIFY CAUSES



ACE will use the results of all complaints and appeals as inputs into its continuous improvement process to:

- Identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
- Review against other complaints and appeals (if any) in an effort to identify underlying systemic issues and if identified put together an improvement plan.

Nothing in reasonable adjustment allows for compromising the requirements of assessment defined in the training package. Where the adjustment would result in a condition or requirement of assessment to not be met, then this must NOT be allowed.





ROLES AND RESPONSIBILITIES

RTO Manager is responsible.

RELATED FORMS

- Students Complaints or Suggestion Form
- Student Internal Appeals Form
- Student External Appeals Form

ASSOCIATED DOCUMENTS

- ACE Complaints Register
- Student Handbook
- Staff Handbook

