



# COMPLAINTS AND APPEALS POLICY AND PROCEDURE

## Purpose

This policy and procedure is designed to ensure ACE complies with the National Code of Practice for Providers of Education and Training to Overseas Students 2018; 2022 Standard VET Funding Contract - Skills First Program, 2022 Guidelines about Eligibility Skills First Program; Student Eligibility for *Skills First*; Skills Quality Charter, 2022 Guidelines about Apprenticeship / Traineeship Training Delivery - Skills First Program and the Standards for Registered Training Organisations (RTOs) 2015 which states:

- “Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.” Standard 6 - *Standards for Registered Training Organisations (RTOs) 2015*
- “Professional, timely, inexpensive and documented complaints handling and appeals processes ensure that grievances between overseas students and registered providers can be heard and addressed.” Standard 10 - National Code of Practice for Providers of Education and Training to Overseas Students 2018 (**International students only**)

Despite all efforts of ACE to provide satisfactory services to its students and clients, complaints may occasionally arise that require formal resolution. The following policy and procedures provide students, staff, clients and any third party the opportunity to have any issues relating to a complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved.

This policy is to be read in conjunction with the following policies and procedures:

- Student Engagement prior to Enrolment Policy and Procedure
- Formalisation of Enrolment Policy and Procedure
- Assessment Policy and Procedure
- Training and Assessment Strategies and Practices Policy and Procedure
- Continuous Improvement Policy and Procedure

## Scope

This policy/procedure applies to all students (International and domestic students) enrolled with ACE, staff and other third parties of Australian Careers Education Pty Ltd (“ACE”).

### Definitions:

<b>Appeal:</b>	Dissatisfied with a decision made by ACE. Could be an Internal Appeal or an External Appeal.
<b>Appellant:</b>	A person (student, other student, staff, other staff or other persons) making an appeal
<b>Assessment Decision:</b>	Assessment decisions are the final outcome of unit of competency given for formative and summative assessments submitted by the student or client. These are used by the assessor to evaluate students learning of the unit of competency which includes skills and knowledge and the critical aspects of evidence required as part of that unit.
<b>Complaint:</b>	Dissatisfaction with a service offered or treatment received at ACE.
<b>Complainant:</b>	A person (student, clients and/or staff) making a Complaint
<b>Domestic Student:</b>	Australian Citizen, New Zealand Citizen or a holder of a Permanent Resident Visa

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 1 of 16



# COMPLAINTS AND APPEALS POLICY AND PROCEDURE

<b>External Appeal:</b>	An appeal to an external agency against a Final Decision of ACE. The External Agency for international students is: The Office of the Commonwealth Ombudsman
<b>Formal Complaint:</b>	The process which takes place if a grievance cannot be resolved informally.
<b>Informal Complaint:</b>	Means an Informal Complaint managed under Complaint and Appeal Procedure.
<b>Internal Appeal:</b>	An appeal to ACE against a decision made by ACE.
<b>International Student:</b>	A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act
<b>Privacy:</b>	Means information protected under the Information Privacy Act (Vic) in accordance with the ACE's Information Privacy Policy.
<b>Respondent:</b>	A person who must respond to the Appeal on behalf of the ACE.
<b>Staff:</b>	Employees of ACE at the time of the complaint (including full-time, part-time, sessional or casual staff).
<b>Student:</b>	Any person enrolled as a student of ACE.
<b>Support Person:</b>	Means an observer (who is not legally trained) who accompanies a party during the Complaint/Appeal process.
<b>Third parties:</b>	Education agents and other third Parties (if applicable) who have formal agreements with ACE to provide services for and on behalf of ACE

## 1 Policy

- 1.1 ACE has an appropriate, fair, equitable and efficient internal complaints handling and appeals process that satisfies the following 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 themselves.
  - 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 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.
  - If an international student is involved in the complaints and appeals processes, ACE endeavours to make prompt decisions as student's visa will restrict his/or her length of stay in Australia.
- 1.2 ACE has arrangements in place for a person or body independent of and external to ACE to hear complaints or appeals arising from ACE's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
- In order to be considered independent and external, the person or body would generally:
    - be separated in structure from both parties involved in the complaints and appeals process
    - have no personal or professional interest in the outcome of the complaints or appeals process

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 2 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

- iii. have no influence on the policy setting of ACE
    - iv. be financially and administratively independent of ACE; and
    - i. not have the same directors or managers as ACE
  - b. When reviewing the external complaints handling and process, ACE ensures it is confident of its impartiality and that its procedures are fair and open.
- 1.3 If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, ACE shall advise the student of his or her right to access the external appeals process at minimal or no cost. This means:
  - a. If the student is not satisfied with the outcome or conduct of the internal complaint handling and appeals process, ACE must be able to supply information to the student on how to pursue the appeal through the external appeals process. There is no charge for advising students of their rights to access an external appeals process. The external appeals process to which the student is referred should be at minimal or no cost.
  - b. While not limiting a student's access to an external appeal process, ACE takes measures to work through the issues that are most appropriately dealt with at an internal level prior to referring students to an external appeal body.
- 1.4 If the student chooses to access ACE's complaints and appeals processes as per this policy, ACE will maintain the student's enrolment while the complaints and appeals process is ongoing.
  - a. ACE ensures that a student's enrolment is maintained whilst an internal complaint/appeal is in progress and the outcome has not been determined.
  - b. 'Maintain the student's enrolment' means ACE will not notify the Department of Education, Skills and Employment (DESE) of any change to the student's enrolment status via PRISMS **(in the case of an international student)**.
  - c. ACE maintains the student's enrolment throughout the internal appeals process for all types of complaints or appeals. However, whether ACE must maintain the enrolment throughout an external appeals process depends on the type of appeal.
- 1.5 If the internal or any external complaint handling or appeal process results in a decision that supports the student, ACE will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome.
- 1.6 This Complaints and Appeals policy and procedures provides a framework to manage and respond to complaints/allegations made by and involving the conduct of:
  - ACE, its trainers, assessors or other staff
  - Currently enrolled students/learners of ACE
  - A third party who provides services on ACE's behalf, its trainers, assessors or other staff
- 1.7 ACE's appeals policy (part of this Complaints and Appeals policy and procedures) is used to manage requests for a review of decisions, including assessment decisions made by ACE or a third party providing services on ACE's behalf (if any).
- 1.8 ACE ensures that its complaints and appeals policy:
  - a. Is publicly available for:
    - i. Students and staff who are made aware of this policy and procedures during their induction program
    - ii. Clients and relevant parties (where applicable) to be viewed in its website and a copy can be provided electronically or hard copy can be posted when requested.
    - iii. Hard copies are available upon request from the Student Support Services Officer.

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 3 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

- b. Support the principles of natural justice and procedural fairness as described below, and that these are adopted at every state of the complaint and appeal process:

**Natural Justice** is concerned with ensuring procedural fairness such as:

- Decisions and processes should be free from bias.
- All parties have the right to be heard.
- The respondent has a right to know of what he/she is accused of.
- All parties are told the decision and the reasons for the decision.

- c. Set out the procedure for making a complaint or requesting an appeal;
- d. Ensure that complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable
- 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.

1.9 If ACE considers more than 60 calendar days are required to process and finalise the complaint or appeal, ACE:

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

1.10 ACE shall:

- a) securely maintains records of all complaints and appeals and their outcomes; and
- b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence. Some potential causes of complaints are, but not limited to, the following:
  - i. refusing admission to a course
  - ii. fees and refunds
  - iii. course or provider transfers
  - iv. course progress or attendance
  - v. cancellation of enrolment
  - vi. accommodation or work arranged by provider
  - vii. quality of teaching, resources and training materials, student amenities
  - viii. incorrect advice given by an education agent
  - ix. false and misleading information about ACE's training products and related services by ACE's staff or any third party that provides services on behalf of ACE
  - x. bullying, harassment, discrimination, restriction of access, unfair treatment and any other issues of concern
- c) ACE will implement systems to promote open communications and feedback practices to encourage all staff and learners to contribute to identifying potential causes of complaints and appeals by providing feedback in writing of ACE's training services, policies, procedures, practices in order to eliminate or mitigate the likelihood of re-occurrence.
- d) Learners will be informed during the Student Orientation program about this Complaints and Appeals policy and procedures, how they can contribute to identifying potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of re-occurrence.

1.11 Confidentiality will be maintained throughout the process of making and resolving complaints. ACE seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive learning environment.

1.12 A copy of this policy is available to all students and staff via ACE's website and shared drive (for staff), through the Student Handbook, Staff Handbook and a hardcopy can be obtained from the head office's reception or

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 4 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

it can be emailed or posted upon request. The information will also contain details of external authorities that they may approach.

- 1.13 Whilst a student is enrolled at ACE, the enrolment written agreement, and the availability of complaints and appeals processes, does not remove the student's right to take action under Australia's consumer protection laws. ACE shall maintain the student's enrolment while a complaints and appeals process is ongoing.

## 2 Procedures

### Complaints (Informal Resolution – Internal)

- 2.1 In the first instance, a complainant (any person who has a complaint on ACE, its learners, staff or third party who perform services on behalf of ACE), is encouraged to resolve their concern or difficulty directly with the party concerned and in an informal manner. Discussions, advice and general mediation will be conducted in relation to the issues raised by the complainant.
- 2.2 In the event that a complainant does not feel safe or able to discuss the issue with the party concerned or if no resolution is reached through this process, the complainant is encouraged to consult with one of the following ACE staff:
- Trainer;
  - Course coordinator;
  - Student Support Officer (SSO)
- 2.3 Issues dealt with in this way do not become part of the formal complaint process. All complaints, regardless of informal or formal are documented on ACE's Complaints and Appeals Register.

### Complaints (Formal Resolution – Internal)

#### When to lodge a complaint

- 2.4 Where a complaint cannot be resolved informally through the abovementioned means, the complainant may submit a formal complaint immediately or as soon as practicable.
- In the case of a complaint of a student **against an assessment decision**, the student must lodge a complaint **within 2 working days** from becoming aware of his/her assessment result. If this time is lapsed, ACE may not be able to offer immediate resolution due to some circumstances (e.g. the trainer/assessor may not be immediately available for consultations) although ACE will endeavour to process the complaint as promptly as possible.
  - In the case of a complaint that requires immediate resolution to avoid a negative effect of the situation to the complainant, the complainant must lodge a complaint **within 2 working days** from becoming aware of the cause of his/her complaint.
  - In the case of a complaint which may not require urgent resolution, if indicated by the complainant, **within 5 working days** from becoming aware of the cause of his/her complaint.
  - If complaints are lodged outside the set timeframes, a complainant is still encouraged to lodge a complaint and ACE will endeavour to resolve the matter professionally and within a realistic timeframe in order not to disadvantage the complainant.
- 2.5 The complainant must complete the Complaints and appeals Form which is available in ACE's website or by contacting the head office reception. The complainant may seek the help of the SSO for assistance in completing the form.

The complainant should put the following information relating to the complaint in writing:

- description of the complaint (e.g. Assessment decision, etc.)
- date of the event which lead to the complaint

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 5 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

- potential cause of the complaint
- state whether they wish to formally present their case
- steps taken to deal with the complaint
- what they would like to happen to fix the problem and prevent it from happening again.
- Evidence to be attached (if applicable)

2.6 Upon receipt of the completed Complaints & Appeals form, the SSO will immediately:

- Acknowledge receipt of the form in writing and date of receipt; copy to be given to the complainant
- Inform the alleged person and other persons involved in the allegations (if any) in writing about the complaint being lodged
- Advise the complainant and alleged person and any other person involved in the allegations in writing about:
  - **timeframes of all stages of the complaint processes such as:**
    - **commencement of the complaints process within 5 working days**
    - **international students will be advised within 10 working days of their rights to access an external appeals process**
    - **final decision will be issued within 30 working days**
  - processes to be undertaken such as:
    - interviews, meetings to be held
    - collection of substantiated evidences
  - complainant and the alleged person will be informed of each stage of the processes by the SSO
  - right to represent themselves at a minimal or no cost
  - right to be accompanied by their preferred support person throughout the processes at all times
  - how the complainant and the alleged person can monitor the processes.
  - who manages the complaint process (usually the SSO)
  - complainant (**international student**) can also contact DESE through the ESOS online enquiry form or through the ESOS helpline 02 6240 5069 or contact the Commonwealth Ombudsman)
- Provide a copy of the Complaints and Appeals policy and procedures to the Complainant and the alleged person (if required) and obtain an acknowledgement of receipt of the copy; advise the complainant and the alleged person that a copy can also be downloaded from ACE's website.
- Enter relevant details into the Complaints and Appeals Register which is monitored by the SSO regularly. The information to be contained and updated within the register is as follows:
  - Submission date of complaint
  - Name of complainant
  - Name of alleged person or persons
  - Description of complaint
  - Determined Resolution
  - Date of Resolution
- Keep copies of the form and any written letters, minutes of meeting in the Complaints and Appeals file and in the student's file; relevant information will be entered into the Complaints and Appeals register.

### **Commence within 5 working days**

2.7 **The process commences within 5 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. The following processes are:

#### **1<sup>st</sup> working day – (from Receipt of the Complaints and Appeal form)**

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 6 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

2.8 Notify the alleged person immediately in writing that a complainant has accessed the complaints process; procedures and timeframes of the complaint process and invite the alleged person for a meeting to resolve, or make a decision on the complaint **within 10 working days** and keep the complainant informed of any preliminary decision or outcome or processes in place to deal with the complaint.

### **3<sup>rd</sup> working day (from receipt of the Complaints and Appeals form) – Resolution Phase 1**

2.9 Regardless of the decision, the SSO shall inform all parties involved of any preliminary decisions or outcomes that are concluded in writing.

2.10 If the preliminary decision is not in favour of the complainant, and the complainant has provided in writing of his/her dissatisfaction of the outcome and requests for a meeting, the SSO will invite the complainant, alleged person, other involved parties and the CEO or management representative in writing to a formal interview/meeting and advise them of, at a minimum:

- Date of the meeting which must be held within 2 weeks from the date the formal complaint was lodged)
- Processes and timeframes that follow
- Right of both the complainant and alleged person to present themselves at minimal or no cost to themselves
- Right of the complainant and alleged person to be accompanied by their preferred support person (the cost of having a support person will be borne by themselves)
- Right to present substantiated evidence (if applicable) at the meeting

2.11 The meeting will be recorded, signed and dated by all parties involved who will be provided with copies; a copy will be placed in the student's/complainant file and information will be placed in the Complaints and Appeals Register.

- i. In order to make an unbiased decision, the SSO and the CEO or management representative may:
  - interview other staff or parties who may be involved or may know the root cause of the complaint.
  - review all substantiated evidence collected at the meeting.
  - Conduct a second meeting with either the complainant or alleged person if further clarity on certain information or evidence is required.

### **Complaints about Assessment Decisions**

2.12 In the case of complaints about assessment decisions, the SSO will initially review the decision and the evidence used to make the decision. The assessor and the learner will be interviewed separately to determine whether there is any relevant information not contained in the learner's file.

### **On or before the 30<sup>th</sup> working day**

2.13 On or before the 30<sup>th</sup> working day, a decision/resolution will be made, all parties (SSO, CEO/management representative, complainant and alleged person) will sign on the document that sets out the final decision; each person will be provided with a copy of the decision.

2.14 The complainant will be advised, through the resolution letter (if the decision made is not in his/her favour), the right to access the internal appeals process.

2.15 If a decision cannot be reached within 30 working days, this can be extended if all parties agree in writing.

2.16 Records/copies of documents where complaints have been received, meetings and interviews held, forms, evidentiary documents collected, used and produced and the outcome/decision made including the timeframes will be kept in the Complaints and Appeals file and all relevant details will be registered in the Complaints and Appeals register; copies of all relevant documents are to be kept in the student's file.

### **Student/Complainant is not disadvantaged**

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 7 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

2.17 If the complainant is a student, his/her enrolment must be maintained while the outcome has not been determined. ACE may continue to offer learning opportunities throughout the complaints process so that the student will not be disadvantaged in their subsequent studies should the complaint process find in their favour. In some cases, ACE may decide to exclude a student from attending classes, but continue to provide work to complete outside of the classroom environment. If students miss a few weeks of studies, it may be difficult for them to catch up on their work.

### Internal Appeals Process

2.18 Internal appeals may occur due to several reasons including appeals against assessment decisions, disciplinary actions, RTO's decision to suspend or cancel the student's enrolment, decisions arising from complaints.

2.19 The internal appeal is a process whereby an appellant (other than a student appellant) seeks to reconsider a decision made by the RTO. The SSO will provide information of timeframes to the appellant on ACE's response at all stages of the appeal process.

### When to lodge an Appeal

2.20 The appellant is encouraged to submit an appeal **within 5 working** days or as soon as practicable, of becoming aware of the decision.

2.21 In the case of a complaint **against an assessment decision**, it is important that the student will lodge an appeal within **2 working days, or earlier**, from the date the decision on his/her complaint was made. If the time is lapsed, ACE may not be able to process the appeal within the desired timeframes although ACE will endeavour to process the appeal request professionally and fairly.

### 1<sup>st</sup> day – Receipt of Appeals Form

2.22 If a person/appellant is dissatisfied with the outcome of the formal complaint process; or if a student wishing to lodge an appeal with regard to ACE's intention to suspend or cancel the student's enrolment; the appellant or student may institute the appeals process by completing the Complaints and Appeals Form and submitting it to the SSO.

2.23 This form is available on ACE's website and at Head Office. The student or any appellant may request the SSO to complete the form if required.

The student/appellant should provide the following information relating to the appeal in writing:

- description of the appeal (e.g. Assessment decision, etc)
- state whether they wish to formally present their case again
- steps taken to deal with the appeal
- what they would like to happen to fix the problem and prevent it from happening again.
- Name of the alleged person or other persons involved in the allegations
- Cause of the appeal
- Evidence to be attached (if applicable)

On receipt of the completed Appeals form, the SSO will promptly/immediately:

- Acknowledge receipt of the form in writing date of receipt; copy to be given to the appellant
- Advise the Appellant, the alleged person and any other persons involved in the allegations (if any party in writing about:
  - **timeframes** of all stages of the appeal processes such as:
    - commencement within **5 working days**
    - final decision will be issued within **10 working days**
  - **processes** to be undertaken such as:

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 8 of 16





## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

- appointment of a new panel of staff/persons to assist in making an unbiased decision
- further review of the case by the new panel
- both appellant and alleged person to be informed of each stage of the processes
- if a meeting/interview is required, their rights to represent themselves at a minimal or no cost and to be accompanied by their preferred support person throughout the processes at all times
- how the appellant and alleged person monitor the processes.
- who manages the complaint process (usually the SSO)
- that there are no further avenues of internal complaints and appeals in ACE
- **For International students only** - the appellant has the right to access the external appeal with the Commonwealth Ombudsman (International Students only) or other relevant regulatory body (domestic students or similar persons) who acts as the third-party independent mediator at minimal or no cost. The student-appellant can receive guidance through the process by the SSO
- their right to be notified prior to any meeting to help them prepare their reply, seek relevant information; arrange for a support person; and be informed of the criteria for making decisions on which any such decision will be based from.
- Provided with a reasonable chance to consider their position and reply.
- Provide a copy of the Complaints and Appeals policy and procedures to the appellant (if required) and obtain an acknowledgement of receipt of the copy; and advise the appellant that a copy can also be downloaded from ACE's website.
- Enter details of the appeal into the Complaints and Appeals Register which is monitored by the SSO regularly. The information to be contained and updated within the register is as follows:
  - Submission date of the appeal
  - Name of appellant
  - Description of appellant
  - Determined Resolution
  - Date of Resolution
- Keep copies of the form and any written letters, minutes of meeting in the student's file and the Complaints and Appeals file.

2.24 Students wishing to lodge an appeal, in respect to ACE's intention to suspend or cancel the enrolment of the student, **must do so within 20** working days following notification of intention to report.

### **Student-Appellant is not disadvantaged**

2.25 During the 20 working day appeals process, students will be provided the opportunity to continue to attend class so as not to deny them learning opportunities and disadvantage their subsequent studies should the appeals process find in their favour. The only exclusion to this is in the case of a student who is in breach of the code of conduct and is a risk to his/herself or to the safety of others. In this case, ACE may choose to provide work to complete outside of the classroom environment. If students miss a few weeks of studies, it may be difficult for them to catch up on their work.

### **Within 2 working days – Internal Appeals Resolution Phase 1**

2.26 The appeals resolution phase must commence within 2 working days of the internal appeal being lodged by the appellant in writing.

### **Within 10 working days – Internal Appeals Resolution Phase 2**

2.27 A maximum period of 10 working days from the date the written request to appeal was received, will be allowed for the appeal to be processed and the resolution finalised. During this period, the following processes include:

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 9 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

- a. The SSO will arrange a new panel (comprised of different key staff members) to hear the appeal and propose a final resolution or unbiased decision. The new panel must not be comprised of the same person or group of staff that heard the original complaint. They will be required to act fairly and without bias.

### **Appeal on Assessment Decision**

- b. Students who appeal an assessment decision (including but not limited to assessor marking the assessment as not satisfactory or not yet competent due to plagiarism or cheating) or RPL outcome will be given the opportunity for reassessment by a different assessor selected by the RTO. The costs of reassessment will be met by the RTO. The recorded outcome of the assessment appeal will be the favourable result for the student from either the original assessment or the assessment.
- c. If required, a meeting will be held between the new panel, the appellant and the alleged person, in order to:

### **Principles of Justice and Procedural Fairness**

- i. Formally present their case at no cost to himself/herself; and
  - ii. be accompanied or assisted by their preferred support person (any related cost of being accompanied by a support person will be borne by them)
- d. In addition, and if required, the new panel may request for additional substantiated evidence from the appellant and/or the alleged person, if such documents will assist in making an unbiased and fair decision.
  - e. Further reviews on the evidence presented by both the appellant and the alleged person investigations on the cause of the original complaint will be held.
  - f. Within this period, all appeals processes are to be completed and a decision will be made.
  - g. This period can be extended further if all parties agree in writing.
  - h. All meetings and interviews held during the Appeals Resolution phase will be kept in the interim Complaints and Appeals file and a copy will be kept in the student/appellant file.

- 2.28 The decision on the internal appeal and reasons for such decision will be provided in writing to the appellant, alleged person and all parties involved who will all sign and date the copy.
- 2.29 Records/copies of documents where appeals have been received, meetings and interviews held, forms, evidentiary documents collected, used and produced and the outcome/decision made including the timeframes will be kept in the Complaints and Appeals file and all relevant details will be registered in the Complaints and Appeals register; copies of all relevant documents are to be kept in the student's file.
- 2.30 Once the internal appeals process has been completed, there are no further avenues within the RTO for complaints or appeals to be processed further. However, the appellant will be advised in writing his/her right to access the external appeals process at minimal or no cost to him/herself.
- 2.31 **For International Students only** - Where the appeal relates to ACE's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment; ACE only needs to await the outcome of the internal appeals process (in favour of ACE) before notifying DESE via PRISMS of the change to the student's enrolment. If the appeal by the student is successful ACE will abide by the recommendation of the external appeals committee and will not report the student to DESE.
- 2.32 During the internal appeals process, the student's enrolment must be maintained while the outcome has not been determined. ACE may continue to offer learning opportunities throughout the appeals process so that the student will not be disadvantaged in their subsequent studies should the complaint process find in their favour. In some cases, ACE may decide to exclude a student from attending classes but continue to provide work to complete outside of the classroom environment. If students miss a few weeks of studies, it may be difficult for them to catch up on their work.

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 10 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

### Longer than 60 calendar days

- 2.33 If ACE considers that it will take longer than 60 calendar days to finalise the complaint and appeals process, the student/complainant/appellant and all parties involved will be notified in writing, including the reasons why more than 60 calendar days are required; and
- 2.34 Regularly update the student/complainant/appellant on all stages of the process.

### **External Appeal Process**

- 2.35 The external appeals process is to determine whether the RTO has followed its complaint and appeals procedures, not to make a decision in place of the RTO. For example, if the appeal of the student is against his/her assessment results and goes through the RTO 's internal appeals process, the external appeals process (if accessed by the student) would determine the way in which the internal appeal was conducted; it will not make a determination as to what the assessment result should be.
- 2.36 The external appeals procedure will be determined by the independent mediator or Commonwealth Ombudsman (international students only).
- 2.37 Once the outcome of the external appeal is issued, the RTO must immediately implement the decision, convey the outcome of the decision made by the external body to the student promptly (or within 24 hours); SSO will update the student's file to record the outcome, and any subsequent actions.
- 2.38 Where the appeal relates to ACE's decision to report the student for unsatisfactory course progress, ACE:
- must maintain the student's enrolment (i.e. not report the student for unsatisfactory course progress) until the external complaints process is complete and has supported ACE's decision to report.
  - May chose to wait for the outcome of the external process in this case as reporting a student for unsatisfactory progress may result in cancellation of the student's visa (international student)
  - For International Students only** - A student may access and receive the outcome of only one external appeals process before ACE may report the student to DESE via PRISMS with regards to unsatisfactory course progress.
- NB:** This does not prevent the student from accessing multiple external appeals processes. This simply means ACE does not need to await the outcomes of the extra appeals before reporting the student.

## **3 Records Management**

- 3.1 All complaints and appeals are to be acknowledged and responded to in writing.
- 3.2 All original records and/or copies of all complaints and appeals, information on how the matter was dealt with, the outcomes and timeframes taken are to be securely maintained/recorded in the Complaints and Appeals Register; these records include all relevant forms, documents, minutes of meetings; letters and the decisions/resolutions made and all written information to and from all parties involved will be recorded and kept in the student file and other relevant file.
- 3.3 All relevant information will be kept on a register that includes all relevant details to be used as source of analysis of matters over time and identify any common factors that may need action.

## **4 Prevention of Recurrence and Corrective Action**

**In order to improve organisational operations and services, the following measures will be undertaken:**

- 4.1 Improvement actions arising from the complaint will be undertaken by collecting data from the Complaints and Appeals register and present such data during management meeting to:
- review and identify potential causes of the complaints and appeals and the re-occurrences of the same causes of the complaints and appeals

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 11 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

- b. review the management of each complaint lodged and handled
  - c. review the processes, timeframes for each process and outcomes
  - d. review how , when and what information were provided to all parties involved and who provided them
  - e. review how the processes were monitored
  - f. review how the feedback sought from all parties involved were managed and used to improve ACE's operations and services.
  - g. review ACE's current policies, procedures and practices that relate to the causes of complaints and appeals
  - h. and if required, undertake immediate corrective action and implement improvement of processes and practices to eliminate or mitigate the likelihood of reoccurrence.
- 4.2 Revise relevant policies and procedures and provide the updated information to the staff and, if applicable, to the learners and third parties who offer services on behalf of ACE.
- 4.3 Encourage all staff and learners to contribute to identifying potential causes of complaints and appeals by providing feedback in writing of ACE's training services, polices, procedures, practices in order to eliminate or mitigate the likelihood of re-occurrence.

### 5 Formal Resolution – External and Independent (Overseas Students)

- 5.1 Overseas Students who wish to lodge an external appeal or complain about a decision made by ACE can contact the Commonwealth Ombudsman. The Commonwealth Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. They can contact the Commonwealth Ombudsman via the details listed below:

#### The Office of the Commonwealth Ombudsman

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

Telephone (within Australia): 1300 362 072

Telephone (outside Australia): +61 2 6276 0111

Opening hours: 9am to 5pm, Monday to Friday (AEST)

**Using an interpreter:** You can make a complaint in your language. Call the Translating and Interpreting Service (TIS) in Australia on 131 450.

Outside Australia call +61 3 9268 8332. The Ombudsman will pay for the interpreter.

- This external appeal will be at no cost to the student (ACE will pay for costs of mediation if cost is involved).
- The Commonwealth Ombudsman will inform the principle executive officer if a complaint has been logged against ACE.
- The Commonwealth Ombudsman will contact the student within 48 hours informing them that the complaint has been received and assigned.
- The Commonwealth Ombudsman will contact ACE within 7 days requesting any relevant documents
- The Commonwealth Ombudsman will seek to resolve the matter within a reasonable time

Once finalised, the Commonwealth Ombudsman will inform both parties of the outcome of the process. A record of the outcome of the complaint (in Student file and the *Complaints and Appeals Register*) will be kept for 5 years.

- ACE will cooperate with the Commonwealth Ombudsman in providing all documentation related to the appeal. Should an appeal relate to ACE's decision to cancel a student's enrolment, and that appeal is rejected by the

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 12 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

independent mediators appointed by the Commonwealth Ombudsman, ACE will advise DESE via PRISMS regarding the cancellation of enrolment and the student's visa may be cancelled.

- 5.2 The student can also contact DESE through the ESOS online enquiry form. The student may send through a complaint at any point, including after he or she has exhausted the provider's internal appeals process and the external appeals process. DESE will only intervene where the ACE's appeals process was not conducted correctly or if the provider did not make the appeals process available to the student.

### **6 Formal Resolution – External and Independent (Domestic Students, including Permanent Residents)**

#### **Option 1: Mediation Service Provider (Carfi)**

Domestic students who wish to lodge an external appeal or complaint about a decision made by ACE can choose to access formal resolution of their complaint/appeal via **ACE's Mediation Services Provider, Carfi**. Students will be referred to this service at no charge to the student; however costs will be incurred by the student if mediation is proceeded with.

Ph.: 1300 737 403

Website: <https://www.carfi.net.au/about-us/>

Email: [info@carfi.net.au](mailto:info@carfi.net.au)

Address: The Clock tower centre, Suite 58, Level 2, 255 Drummond Street, Carlton VIC 3053

Students are able to bring a support person to mediation services; however this cost will need to be covered by the student and will not be funded by ACE.

#### **Option 2: National Training Complaints Hotline**

*The National Training Complaints Hotline is a joint initiative between the Commonwealth, state and territory governments. Anyone with a complaint or query about the training sector now has one number to call, so they can report a complaint and have it referred to the right authority for consideration.*

If a domestic student wishes to submit a complaint about ACE and, after following the internal complaints and appeals process, feels that ACE is still breaching or has breached its legal requirements, the student may register a complaint by contacting the National Training Complaints Hotline on 13 38 73 or by lodging a complaint form via their website: <https://www.dese.gov.au/national-training-complaints-hotline>.

The National Training Complaints Hotline uses the services of the Translating and Interpreting Service and National Relay Service. More information can be found on DESE's website: <https://www.dese.gov.au/national-training-complaints-hotline>.

#### **Option 3: Providing Complaints and Feedback to ASQA**

*The Australian Skills Quality Authority (ASQA) is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.*

ASQA accepts complaints that raise concerns about non-compliance by providers as a source of information about providers. Please note that ASQA does not appeal assessment outcomes for students. ASQA also does not help to resolve disputes between students and training providers. If you provide ASQA with feedback about a training provider, ASQA will usually not advise the student about actions they take or the outcome of any investigation.

If a student still wishes to submit a complaint or feedback about ACE and, after following the internal complaints and appeals process, feels that ACE is still breaching or has breached its legal requirements, the student may submit a complaint to ASQA via ASQA's online complaints portal - <https://asqaconnect.asqa.gov.au/>.

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 13 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

ASQA's process requires that the student identifies themselves to ASQA as a complainant, although they may request that their identity is kept confidential throughout any investigation that ASQA undertakes.

ASQA provides links to other agencies that can be contacted depending on the type of complaint as stipulated below:

Type of complaint	Relevant agency	More information
If you are <b>seeking a refund</b> from your training provider:	You will be advised to contact the consumer protection agency in your state or territory.	ASQA cannot act on behalf of consumers to resolve disputes with providers over fees and refunds. If you have a contractual dispute with your provider and are seeking a refund, contact the consumer protection agency in your state or territory. If you are seeking a refund because of the <b>quality of training and assessment</b> , you can lodge this part of your complaint with ASQA.
If you are an apprentice or trainee and you have an <b>issue with your training contract</b> :	If you have concerns with your training contract: refer to the <i>Australian Apprenticeships</i> website, and/or contact the <i>Australian Apprenticeships Centre</i> in your state or territory.	If you are an apprentice or trainee, ASQA cannot advise on any matters relating to your training contract. ASQA <b>can</b> consider complaints about the training and assessment provided by your registered training organisation.
If you wish to report <b>fraud against the visa system</b> in relation to a student:	Your complaint will be referred to the <i>Department of Home Affairs</i> .	
If you want to report <b>criminal activity such as theft or assault</b> :	You can report your complaint to the police in your state or territory.	
If you want to make a complaint about an organisation offering training <b>that is not a registered training organisation (RTO) or not offering nationally recognised training</b> :	You can contact a consumer protection organisation, or seek legal advice.	Unless the complaint relates to marketing and advertising that states or implies the organisation is an RTO or is offering nationally recognised training, ASQA has no jurisdiction in relation to other organisations offering training.
If your complaint is about <b>discrimination on the grounds of sex, disability, race or age</b> :	You can report your complaint to the <i>Australian Human Rights Commission</i> .	
If your complaint is about <b>other discrimination</b> :	You may wish to find a legal representative to assist you with your dispute.	

Except in exceptional circumstances, the student must attach evidence to their complaint form showing:

- That they have followed ACE's formal complaints procedure; and
- ACE's response.



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

### 7 For other Non-student Complainants

If any non-student has a complaint alleging that ACE, whether registered or not, is breaching or has breached the Act (including misleading representation or advertising), they may complete the complaint form which is available online. The non-student will need to confirm that the organisation their complaint relates to falls within ASQA's jurisdiction.

### 8 Other Details

Nothing contained in this policy and procedure prevents a student from exercising their rights to pursue other legal remedies or obtaining advice from other authorities or agencies, such as:

<b>Australian Skills and Quality Authority (ASQA)</b> Ph: 1300 701 801 Website: <a href="http://www.asqa.gov.au">http://www.asqa.gov.au</a> Mailing Address: GPO Box 9928, Melbourne VIC 3001	<b>The Law Institute of Victoria</b> Ph: (03) 9607 9311 Fax: (03) 9602 5270 Email: <a href="mailto:enquiries@liv.asn.au">enquiries@liv.asn.au</a> Website: <a href="http://www.liv.asn.au">www.liv.asn.au</a> Mailing Address : PO Box 263, Melbourne VIC 3001
<b>Consumer Affairs Victoria</b> Ph: 1300 558 181 Website: <a href="http://www.consumer.vic.gov.au">www.consumer.vic.gov.au</a> Mailing Address: Consumer Affairs Victoria GPO Box 4567 Melbourne VIC 3001	<b>Department of Education, Skills and Employment (DESE)</b> Ph: 1800 020 108 Website: <a href="https://www.dese.gov.au/">https://www.dese.gov.au/</a> Email: <a href="mailto:skilling@dese.gov.au">skilling@dese.gov.au</a> Mailing Address: GPO Box 9880 Canberra ACT 2601
<b>Department of Home Affairs</b> <b>Ph: 131 881 (within Australia) between 9am to 5pm (excluding Australian National Public holidays).</b> Website: <a href="http://www.homeaffairs.gov.au">www.homeaffairs.gov.au</a> Mailing Address: Department of Home Affairs GPO Box 241 Melbourne VIC 3001	<b>Victorian Equal Opportunity &amp; Human Rights Commission</b> Ph: 1300 292 153 Website: <a href="https://www.humanrights.vic.gov.au/">https://www.humanrights.vic.gov.au/</a> Email: <a href="mailto:enquiries@veohrc.vic.gov.au">enquiries@veohrc.vic.gov.au</a> Address: Level 3, 204 Lygon Street, Carlton VIC 3053

### 9 Responsibilities

- CEO
- Course Coordinator
- Trainers/Assessors
- Student Support Officers

### 10 Policy Base

Standards for Registered Training Providers 2015 – Standard 6

National Code of Practice for Providers of Education and Training to Overseas Students 2018 – Standard 10

### 11 Primary Documents (Related to this Policy)

- Complaints & Appeals Form
- Complaints and Appeals Register

### 12 Secondary Documents (Impacted by this Policy)

Complaints and Appeals Policy and Procedure	Version 8.2	Updated: April 2022
Authorised by CEO	CRICOS # 03219A	RTO # 22424
©Australian Careers Education Pty Ltd		Page 15 of 16



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

- Student Handbook
- Staff Handbook
- Student Support Guide

### 13 Version History

Version	Date	Description of changes
8.2	22.04.2022	Update to Commonwealth Ombudsman details.
8.1	13.04.2022	Minor amendments to contract definitions.
8.0	17.01.2022	Updated document to add Version History section, Skills-First funding contract changes, and other minor amendments.
7.0	01.01.2021	Currently released version