Complaints and Appeals Policy and Procedure

SCOPE

This policy applies to ATMC VET and ELICOS students and all ATMC staff who deal with all matters concerning VET and ELICOS.

POLICY

This policy supports the ESOS National Code 2007 Standard 8.

This policy also supports the Standards for Registered Training Organisations (RTOs) 2015 – Standard 6.

1. Australian Technical and Management College (ATMC) complaints and appeals policy and procedures are independent, easily and immediately accessible and inexpensive for the parties involved.
2. ATMC will deal with student complaints and appeals fairly and in a timely manner, ensuring that natural justice and fairness are adopted at every stage of the complaints and appeals process. ATMC also recognises that student complaints can be anonymous.
3. This policy will manage and respond to complaints involving ATMC, its staff, students and third party arrangements providing services on behalf of ATMC.
4. This policy will also manage the requests for reviews of decisions, including assessments decisions made by ATMC or third party arrangements if applicable.
5. ATMC has an appropriate 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
   b. each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself
   c. each party may be accompanied and assisted by a support person at any relevant meetings
   d. the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome; and
   e. the process commences within 10 working days of the formal lodgment of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.
3. ATMC has arrangements in place for a person or body independent of and external to ATMC to hear complaints or appeals arising from the ATMC’s internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
4. If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, ATMC will advise the student of his or her right to access the external appeals process at minimal or no cost.
5. If the student chooses to access the ATMC’s complaints and appeals processes as per this standard, ATMC will maintain the student’s enrolment while the complaints and appeals process is ongoing.
6. If the internal or any external complaint handling or appeal process results in a decision that supports the student, ATMC will immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.
7. This policy will ensure that if there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action, this will be reported to ATMC’s management meeting, managed and implemented as part of ATMC’s continuous improvement process to take corrective actions to eliminate or mitigate the likelihood of reoccurrence. This will all be noted on ATMC’s Continuous Improvement Register.
8. Where ATMC considers more than 60 calendar days are required to process and finalised the complaint or appeal, it will:
   a. Inform the complainant in writing as to why more than 60 calendar days are required and
   b. Regularly update the complainant on the progress of the matter
PROCEDURE

1. Students’ complaints are to be taken seriously by all staff, and are to be actioned within 10 days working of receipt. We will act upon the subject of any complaint found to be substantiated. Appeals must be lodged within 20 working days of the appealable decision, and are to be validated by the Skills Department Head.

2. Students who are concerned about the conduct of ATMC are encouraged to attempt to resolve their concerns informally before using this procedure.

3. All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.

4. All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution.

5. Students will be provided with details of external authorities such as (Overseas Students Ombudsman for international students) they may approach, if required (see External Appeals below).

6. At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.

7. All complaints and appeals will be managed fairly and equitably and as efficiently as possible.

8. Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.

For internal complaints and appeals:

1. The student will have an opportunity to formally present their case, in writing or in person.

2. The student may be accompanied and assisted by a support person at any relevant meetings.

3. A student’s enrolment must be maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined. This does not mean a student must be in class.

4. The College will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the College.

5. If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported to the ATMC management and reviewed as part of the continuous improvement process.

6. Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.

INFORMAL COMPLAINT PROCESS

- Any student with a question or complaint may raise the matter with staff of our College and attempt an informal resolution of the question or complaint.
- Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the College staff member involved determines that the issue question or complaint was relevant to the wider operation of the College.
- Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

FORMAL COMPLAINT PROCESS

1. Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so. To register a formal complaint a student must complete the student complaints and appeals form that is available on the College’s website / at the College and lodge it to the Skills Department. The VET Administration staff will arrange a meeting at a time convenient to both the complainant and the Skills Department Head. This meeting must be scheduled within 10 working days of receipt of the completed complaint form. At this meeting the complaint can be raised and a resolution attempted.

2. The following matters must be lodged as formal complaints/ appeals within 20 days of notification of an intention to report the student to the Department of Immigration and Border Protection (DIBP) in order to be considered by the College.
   a. Deferment of commencement, suspension or cancelling a student enrolment
   b. Non achievement of satisfactory course progress
   c. The complaint form must be completed in writing and signed by the complainant. It will be countersigned by Skills Department Head.
   d. The written complaint must be recorded in “Complaints and Appeals Register”.
   e. At the meeting the student complaints and appeals form may be amended (if both parties agree) or a new
one completed and signed by both parties during the meeting.

6. The Skills Department Head will then attempt to resolve the complaint with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint being lodged in writing.

7. A maximum time of 10 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.

8. Each complainant and appellant can formally present his or her own case at minimum cost to themselves, and each party may be accompanied and assisted by any support person at any relevant meeting.

9. The Skills Department Head will make a determination either at the meeting or shortly after and will communicate the outcome to the complainant in writing. This communication will document details and reasons for the decision. At the same time they will inform the complainant of their right to appeal. This appeal is to be lodged within 20 working days.

10. Where the College considers more than 60 calendar days are required to process and finalised the appeal, the College will:
   a. Inform the complainant in writing as to why more than 60 calendar days are required and
   b. Regularly update the complainant on the progress of the matter

11. The outcome and any actions arising must be recorded on the Complaints and Appeals Register and the result and all associated complaint documentation are filed in the student file.

12. At the end of the resolution phase the Skills Department Head/ VET Administration Staff will report the College's decision to the student in writing. The College decision and reasons for the decision will be documented by the VET Administration staff and placed in the students file.

13. ATMC will maintain the Students enrolment whilst the complaint process is ongoing.

14. If the result of the appeal or complaint is favourable to the student, ATMC will immediately implement any decision, and or corrective / preventative action. The student will be advised in writing of this outcome.

15. Following the resolution phase the College must implement the decision as conveyed to the student.

16. If a student is dissatisfied with the outcome of the formal complaint process then they may institute an internal appeals process by completing the appeals form.

17. If the result of the appeal is favourable to the student, ATMC will immediately implement any decision, and or corrective / preventative action. The student will be advised in writing of this outcome.

**INTERNAL APPEALS PROCESS**

1. All appeals must be lodged within 20 working days of notification that is leading to the appeal.

2. Appeals may result from the student not being satisfied with one or more of the following:
   a. disagree with the outcome of an assessment,
   b. appeals against discipline actions and
   c. Appeals against decisions arising from complaints.

3. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by the College.

4. A student’s enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.

5. The appeals process is initiated by a student completing the student appeals form.

6. The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.

7. A maximum time of 20 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.

8. After a student makes an internal appeal, ATMC will appoint a person or group of staff to hear the appeal and propose a final resolution. This person or group of staff must not be the same as any person or body that heard the original complaint.

9. Students appealing an assessment or RPL outcome will be given the opportunity for reassessment by a different assessor selected by the College, if the appeal is upheld. Costs of reassessment will met by the College.

10. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.

11. The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and the College and placed in the student file.

12. There are no further avenues within the College for appeals after the internal appeals process has been completed, however an external appeals process is available.

13. Where the College considers more than 60 calendar days are required to process and finalised the appeal, the College will:
a. Inform the appellant in writing as to why more than 60 calendar days are required and
b. Regularly update the appellant on the progress of the matter

14. If the complaint is not resolved internally, the student will be informed of their access to an independent body external to ATMC to hear the complaint or appeal.

EXTERNAL APPEALS PROCESS

1. If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, the College advises the student that he/she has the right to access the external appeals process. Where this is the case, the matter shall be referred to the external independent / third party mediator at no cost to the student.

2. The purpose of the external appeals process is to consider whether the College has followed its student complaint and appeals procedure, not to make a decision in place of the College. For example, if a student appeals against his or her subject results and goes through the College internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

3. A student may seek assistance from a formal external authority within 10 working days if they are not satisfied with the decision reached. The College supports the following external independent providers for this mediation service at no cost to the students:

   International Students on a student visa:
   The Overseas Student Ombudsman
   Phone: 1300 362 072
   Email: ombudsman@ombudsman.gov.au
   Web: www.oso.gov.au
   Address: GPO Box 442, Canberra, ACT 2601

   Other Students:
   Victorian Ombudsman
   Phone: 03 9613 6222
   Web: https://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint
   Address: Victorian Ombudsman, Level 1 North Tower, 459 Collins Street, Melbourne VIC 3000

   Ombudsman New South Wales
   Phone: 02 9286 1000
   Toll free (outside Sydney metro): 1800 451 524
   Web: www.ombo.nsw.gov.au
   Email: nswombo@ombo.nsw.gov.au
   Address: Level 24, 580 George Street, Sydney NSW 2000

   Note: That the Australian Skills Quality Authority (ASQA) is not able to act as the Independent third party for reviewing complaints. ASQA will only consider a complaint if the student includes evidence that they have already exhausted the College’s Complaints and Appeals process.

4. The external appeals procedure will be determined by the independent mediator and all parties will be notified by the relevant Ombudsman of the steps, actions and outcomes.

5. Following the receipt of the outcome of the external appeal the College must immediately implement the decision and convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint.

6. ATMC will maintain the student’s enrolment (and will continue to monitor the course progress for international students) whilst the external appeal is in progress. This enrolment will remain until the external appeals process is complete and the outcome is communicated to all parties.

7. If the result of the appeal or complaint is favourable to the student, ATMC will immediately implement any decision, and or corrective /preventative action. The student will be advised in writing of this outcome.

8. If an appeal is against a College’s decision to report the student for unsatisfactory course progress (for international students) the College must maintain the student’s enrolment (i.e. not report the student for unsatisfactory progress) until the external appeals process is complete and has supported the College’s decision to report.

9. For International students, if an appeal is against a College’s decision to defer or suspend a student’s enrolment due to misbehaviour or to cancel a student’s enrolment the College only needs to await the
outcome of the internal appeals process (supporting the College) before notifying the Department of Education through PRISMS of the change to the student’s enrolment.