



# COMPLAINTS AND APPEALS POLICY AND PROCEDURE (International and Domestic)

## RESPONSIBLE for:

**Ensure Compliance:** Chief Executive Officer/ Quality Management Committee (QMC)

**Directly Responsible:** State Manager/ QMC/ Course Coordinator

**Adhering to:** All Education Training & Employment Australia Personnel

## GOVERNING STANDARDS

The Directors of Education Training and Employment Australia (ETEA) and its associated companies require compliance against the standards of ISO9001, and any Legislation and Regulations that relate to Complaints and Appeals. Information is available from the related Act(s) below,

Commonwealth legislation (information may not be limited only to this legislation)

- ESOS Act 2000

International students: CRICOS NATIONAL CODE PART D, STANDARD 10

Domestic students: Standards for RTOs 2015 Standard 6: Clauses 6.1- 6.6

## PURPOSE

Unless otherwise stated, these Policy & Procedures apply to both International and Local students.

The purpose of this policy is to ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeals process.

This Policy & Procedure is publicly available through ETEA’s website.

ETEA complaint’s policy manages and responds to allegations involving the conduct of:

- ETEA, its trainers, assessors or other staff;
- a third party providing services on ETEA’s behalf, its trainers, assessors, or other staff; or
- a student of ETEA.

ETEA appeals policy manages requests for a review of decision, including assessment decisions, made by ETEA or a third party providing services on ETEA’s behalf.

If ETEA considers that more than 60 days are required to process and finalise a complaint or appeal, it will:

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

ETEA will attempt to resolve all complaints within 20 days of the receipt of the complaint.

ETEA will commence the process within 10 working days of receiving the formal written complaint or appeal.

A student may present his or her case in person in respect to the informal and formal complaints and appeals, and may be assisted or accompanied by a support person.

The records of all complaints and appeals (other than the informal complaints referred to in clause 2 of the Complaints policy below) and their outcomes are securely maintained by ETEA.

ETEA will ensure that there is a written record of the informal complaint or appeal, and that the written record is maintained if the student is not satisfied with the result or conduct of the informal complaint or appeal.

If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the student has the right to access the external appeals process at minimal or no cost. ETEA shall advise the student of this right. The student shall advise ETEA that he or she wishes to access the external appeals process and ETEA shall arrange that access with the external body within three days of being advised by the student. (Unless the student advises that he or she wishes to contact the external body.)

- a. The external independent mediator for local students is the Australian Mediation Association Phone no. 1300 633 428.

The external body for international students is the Overseas Student Ombudsman. Contact details: 1300 362 072, Email [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au). Nothing in this policy and procedure inhibits, or prevents, a student's right to pursue other legal remedies. Students can contact the Law Institute of Victoria, 470 Bourke Street, Melbourne, on 96079311, for a referral to a solicitor.

#### **In respect to International students—**

1. Subject to clause 3 hereof, ETEA will maintain the student's enrolment while the internal complaints and appeals process is ongoing.
2. ETEA will not report an overseas student through the Provider Registration and International Student Management System (PRISMS) for unsatisfactory course progress, if the student has properly accessed the internal and external complaints handling and appeals process, until the decision or recommendation of the Overseas Student Ombudsman supports the decision of ETEA.
3. If the appeal is against ETEA's decision to defer or suspend a student's enrolment for misbehaviour, or to cancel a student's enrolment, ETEA will not proceed until the internal complaints process has been completed. ETEA will not, however, maintain the student's enrolment, even if the appeals process has not been completed, if there are "extenuating circumstances" ( see CRICOS Standard 10) ETEA will ensure that the evidence in respect to the extenuating circumstances "is kept on the student's file.
4. 4. International students will be informed that, in most cases, the purpose of the external appeals process is to consider whether ETEA has followed its policies and procedures, rather than making a decision in place of ETEA.

#### **In respect to domestic students—**

1. Subject to clause 2, ETEA will maintain the student's enrolment while the internal, and any external, complaints and appeals process are ongoing.

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- ETEA may refuse to allow the student to attend classes, even if the complaints and appeals process is not completed, if there are extenuating circumstances as to why the student should not be allowed to attend classes. Extenuating circumstances include matters that relate to the health of the student, and the student's behaviour towards other students and teachers. ETEA ensure that the evidence in respect to the extenuating circumstances is kept on the student's file.

### **Complaints Process for both Domestic and International Students**

- ETEA will ensure that the principles of natural justice and procedural fairness are adopted at every stage of the complaint process, both informal and formal.
- Students are encouraged to raise any matters of concern informally with their trainer. If the concern involves the trainer, the student may raise the matter with the Course Coordinator. The outcome of any informal complaint will not be kept on the student file, unless so requested by the student. If the matter has been raised by email; then, the email, and any response thereto, will be deleted, unless so requested by the student. The aim is to resolve the concern through discussion.
- If the informal complaint raises a matter of importance to ETEA; then, the complaint and outcome will be documented, but, if possible, the name of the student will not be included in any of the documentation.
- If the complaint cannot be resolved informally; then, the student is encouraged to lodge a formal complaint. ETEA will advise the complainant that the complaint has been received.
- Students are encouraged to lodge a formal complaint by using the current complaints and appeals process form, and to tick the Complaints box. This form is available on the website, and a hard copy is available from the Student Support Officer and the Course Coordinator. In exceptional circumstances ETEA will accept a formal complaint that does not use the current complaints and appeals process form.
- Unless otherwise decided by the Quality Management Committee (QMC), all formal complaints will be handled by the Course Coordinator will handle the complaint, unless the complaint is in respect to the QMC. If the formal complaint is in respect to the QMC; then, the CEO will handle the complaint. If the complaint is in respect to, or relates to, a Course Coordinator; then, the complaint will be handled by the QMC.
- The student is entitled to meet with the person handling the complaint to explain the grounds of the complaint and the material relating to the complaint. The complaint will not be decided against the student without first giving the student the opportunity to meet with the person(s) handling the complaint.
- If the student is, or was, being taught in Victoria, but not in Melbourne, the student can present his or her case by means of SKYPE.
- The Course Coordinator will ensure that General Manager is advised of the nature and outcome of the complaint. The relevant documentation will be forwarded to the General Manager no later than 7 days after the complaint has been resolved.
- If the complaint has been made by the student via ASQA, the QMC will be immediately advised. The complaint will be resolved within the time frame provided by ASQA.
- If there is any matter arising from a complaint that is a systemic issue that requires improvement action, the details of the complaint will be reported to the relevant task group meeting as part of the continuous improvement process.
- The outcome of the complaint will be provided in writing to the student, and documented in the Complaints and Appeals Register, which is located at the head office of ETEA in Melbourne.

### **Appeals Process for Domestic and International Students**

- ETEA will ensure that the principles of natural justice and procedural fairness are adopted at every stage of the appeals process.

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2. All appeals will be handled by the QMC. If the appeal relates to the conduct of a member of the QMC, the remaining members of the QMC will conduct the appeal
3. The appeals process, both informal and formal, is initiated by the student completing the student complaints and appeals form, and ticking the Appeals box. This appeals form is available at ETEA's website or on request from the Course Coordinator. In exceptional circumstances ETEA will accept an appeal that has not been lodged by using the current appeals and complaints form.
4. **International students** wishing to lodge an appeal in respect to ETEA's intention to report the student for unsatisfactory course progress, or on being notified that ETEA intends to suspend or cancel the enrolment of a student, must do so within 20 working, plus an additional 2 days for postage, of the date the relevant letter was posted. ETEA shall also advise the student by email of the intention to report, or to suspend or cancel the enrolment.
5. ETEA will attempt to resolve the appeal informally and, if this cannot be achieved, the formal appeals process will commence.
6. Students appealing an assessment, including an RPL outcome, will be given the opportunity for reassessment by a different assessor selected by the QMC in consultation with the relevant Course Coordinator. Costs of the reassessment will be met by ETEA. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment. If the student is not satisfied with the result of the reassessment, the student may request ETEA to arrange for an external appeal, or the student may lodge the external appeal. The reassessment shall be regarded as the completion of the internal formal appeal.
7. The outcome of the formal internal appeal will be recorded in writing, and be signed and dated by the QMC, and signed by the student, and the decision will be placed in the student's file, and be logged in the Complaints and Appeals register.
8. If the student appeal is successful, ETEA must implement the decision.

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