



# Complaints and Appeals Policy

## 1 PURPOSE

The purpose of this policy and procedure is to provide information and outline the determination for proceeding with an appeal or complaint. Through this policy and the corresponding procedure, we commit to ensuring that overseas students have the right to natural justice by virtue of access to effective, timely, equitable and documented complaints handling and appeals processes.<sup>(10.1)</sup>

## 2 SCOPE

This policy applies to all current and prospective overseas students of OPIE.

## 3 DEFINITIONS

<b>Appeal</b>	When a student is dissatisfied with a decision made by an RTO, that student has the right to contest it by means of an appeal.  The appeal is a process whereby the decision is reviewed and re-evaluated with any evidence or argument that the student wishes to include for consideration. The appeal may have one of two outcomes:  - <b>Appeal upheld</b> meaning the decision is overturned.  - <b>Appeal rejected or not upheld</b> , meaning the original decision stands
<b>Assessment</b>	the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.
<b>Grievance</b>	a concern about academic matters, perceived discrimination, situation, a process, person or people, facility or a support service provided by OPIE. Grievances are less formal/official than complaints, whereby a student brings a matter to the attention of OPIE in an informal way i.e. it is spoken about, not written down
<b>Complaint</b>	a formal complaint takes place if a grievance cannot be resolved informally (for example, the affected parties discussing the matter), and is written down for official processing
<b>Complainant</b>	student or potential student lodging the grievance or complaint
<b>Internal complaint or appeal</b>	means a complaint or appeal made by an employee or staff member of OPIE
<b>SSO -</b>	an acronym for Student Support Officer(s), members of staff providing support for the needs and wellbeing of all overseas

	students
<b>Third party.</b>	any party (person or group/organisation) providing services on behalf of OPIE but not including a contract of employment between an RTO and its employee

## 4 POLICY STATEMENT

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As part of our commitment to providing a fair and equitable student experience, the following complaints handling and appeals system has been developed and is freely and readily accessible and clearly explained to all students and prospective students on our official website, the student handbook and at student orientation.

- 4.1 OPIE acknowledges that students have the right to raise grievances and make complaint where they see fit.
- 4.2 OPIE also acknowledges that students have the right to appeal an assessment decision, based on valid grounds for appeal.
- 4.3 OPIE has provision for students to appeal against assessment decisions, including those made by staff members or by a third party partner and will respond to any complaint or appeal made against any of these parties. (10.2.2)
- 4.4 OPIE ensures that students have access to a fair and equitable process for lodging an appeal against an assessment decision. (10.2.5)
- 4.5 In doing so, OPIE:
  - has written processes in place for collecting and dealing with appeals in a constructive and timely manner (see Complaints and Appeals Procedure); (10.2.1)
  - ensures that these procedures are communicated to all staff, third party partners and students;
  - ensures that each appeal and its outcome are recorded in writing;
  - ensures that each appeal is heard by an independent person or panel;
  - ensures that each complainant has the opportunity to formally present their case free of cost; (10.2.4)
  - ensures that each complainant is given a written statement of the appeal outcomes, including reasons for the decision; (10.2.6)
  - retains written record and statement of the outcome of the appeal or complaint; (10.2.7)
  - takes appropriate action upon the subject of any appeal that is found to be substantiated; and
  - utilizes outcomes of appeals to review current practices which may potentially lead to continuous improvement.
- 4.6 All appeals must be lodged within 7 calendar days of the date of the assessment result notification to the student.



- 4.7 If the appeals process fails to resolve the appeal or the complainant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third party for review, at the request of the complainant. All costs incurred for the third party review will be advised to the complainant.
- 4.8 All appeals are acknowledged in writing and finalised as soon as practicable.
- 4.9 OPI may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the complainant.
- 4.10 OPI strives to deal with appeal issues as soon as they emerge, in order to avoid further disruption or the need for a formal complaint process.
- 4.11 All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training.

## 5 RESOLVING GRIEVANCES

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Students or potential students are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk directly with their trainer. Similarly, any issues relating to fees should be discussed first with accounts.

If the student has attempted to resolve the issue directly, but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, he/she may discuss the issue with a Student Support Officer first or directly with the Campus Manager. The student may be accompanied by a support person during this process. (10.2.1, 10.2.4)

Campus Manager will consider the issue and may either suggest a course of action to resolve the issue, or attempt to mediate between the student and the staff member(s) concerned.

If the matter is not resolved informally the grievance may be put to a complaint, whereby the student can complete a Complaint Lodgement Form.

### 5.1 COMPLAINTS

To commence the formal process, the complainant must complete a Complaint Form (available from Student Services). The following information needs to be provided in writing:

- a) outline the details of the complaint;
  - b) supporting information that the complainant wishes to have considered;
  - c) an explanation of the steps already taken to try to resolve the complaint informally;
  - d) why the responses received are not considered satisfactory if applicable and
  - e) what the complainant thinks needs to be done to address his/her concerns
- The Complaint Form will be lodged within 7 calendar days. Campus Manager will commence the process of considering the complaint, and will acknowledge receipt of the complaint in writing to the complainant.



- Campus will ensure all steps are taken to resolve the complaint as soon as is practical, with the assessment of all complaints and appeals commencing within 10 working days of lodgement.<sup>(10.2.3)</sup>
- Complaints or appeals wherever possible are to be resolved within 15 working days of the initial application.

## 5.2 COMPLAINT OUTCOMES - UNSUCCESSFUL

If the complainant is not satisfied with the outcome of their complaint they have the option to seek outside assistance to pursue the appeal. If the overseas student is not successful in our internal complaints handling and appeals process, they must be advised within 10 working days about their rights as an overseas student to access an external complaints handling and appeals process at minimal or no cost. They may wish to contact the International Overseas Student Ombudsman as an independent reference. Contact details: <sup>(10.3)</sup>

*Mail: Commonwealth Ombudsman, GPO Box 442, Canberra ACT 2601*

*Phone: 1300 362 072*

*Online: <https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>*

If the student remains unhappy with the Internal and External outcome, they may refer the matter to the National Training Complaints Hotline on 13 38 73

## 5.3 COMPLAINT OUTCOMES - SUCCESSFUL

Should the decision of the internal complaints handling or appeal process or any external process be in favour of the overseas student, that decision shall be implemented immediately. Any resulting recommendation and/or preventive or corrective action required by the decision shall also be taken as soon as practicable. All decisions and changes/actions will be recorded and the student will be notified in writing of the action taken.<sup>(10.4)</sup>

## 5.4 APPEALS

Valid grounds for an appeal against an assessment decision (where the Student feels the assessment decision is incorrect) could include the following:

- The judgement as to whether competency has been achieved and demonstrated was made incorrectly;
- The judgement was not made in accordance with the Assessment Plan;
- Alleged bias of the assessor;
- Alleged lack of competence of the assessor;
- Alleged wrong information from the assessor regarding the assessment process;
- Alleged inappropriate assessment process for the particular competency;
- Faulty or inappropriate equipment; and/or
- Inappropriate conditions.

## 5.5 APPEAL OUTCOMES

An investigation into an Appeal may result in one of the following outcomes:



- a) Appeal is upheld; in this event the following options will be available:
  - i. The original assessment will be re-assessed, potentially by another assessor as soon as can be arranged
  - ii. Appropriate recognition will be granted forthwith
  - iii. A new assessment shall be conducted/arranged without delay <sup>(10.4)</sup>
- b) Appeal is rejected/ not upheld; in accordance with OPIE assessment policy the Student will be required to:
  - i. undertake further training or experience prior to further assessment; or
  - ii. re-submit further evidence; or
  - iii. submit/undertake a new assessment

## 5.6 ACTIONING OUTCOMES

Where the complaint or appeal is upheld, OPIE will implement the required corrective action within 28 days and advise the student in writing of the outcome.

- a) If you are Under 18 years of age a copy of your Complaint Form will be sent to your Parent or Legal Guardian.
- b) A copy of all outcomes and correspondence raised during the process will also be forwarded to your Parent or Legal Guardian.

## 5.7 INTERNAL APPEALS OR COMPLAINTS

- All internal complaints / appeals should be committed to in writing at the earliest possible opportunity utilizing the Complaint Form.
- A submitted Complaint Form will constitute a formal complaint/appeal from the student.
- The Campus Manager of OPIE will be informed through receipt of all student complaints/appeals.
- The Campus Manager of OPIE may delegate responsibility for the resolution of the complaint/appeal as required.
- In the case of a complaint/appeal, the Campus Manager of OPIE will initiate a transparent, participative process to deal with the issues at hand.
- Assessment appeals will be processed in accordance with the Assessment Appeals Procedure - Annex A.
- Complaints or appeals where ever possible are to be resolved within 10 working days of the initial application.
- Length of time may vary depending on the complexity of the case
- If you are Under 18 a copy of your Complaint Form will be sent to your Parent or Legal Guardian
- A copy of all outcomes and correspondence raised during the process will also be forwarded to your Parent or Legal Guardian
- In all cases the final conclusion will be endorsement by the Campus Manager of OPIE.
- The student will be advised in writing of the outcome of their complaint/appeal.
- If the outcome is not to the satisfactory of the Student, he/she may seek an appointment with the Campus Manager of OPIE.



- The Campus Manager of OPIE decision will be final. The Student has the option to seek the judgement of the CEO/PEO if they are not satisfied with the decision of the Campus Manager.
- If they are still not satisfied with the decision they may seek outside assistance to pursue the complaint, grievance or appeal, the student will be advised of this within 10 days of the decision.
- All grievances, complaints and appeals will be handled as Staff-In-Confidence.
- All complaints/appeals will be discussed at Management Review meetings for continuous improvement of the processes.

## 5.8 ACCESS AND EQUITY

The OPIE Access & Equity Policy applies. (See Access and Equity Policy)

## 5.9 RECORDS MANAGEMENT

Records of all appeals and their outcomes are maintained securely.

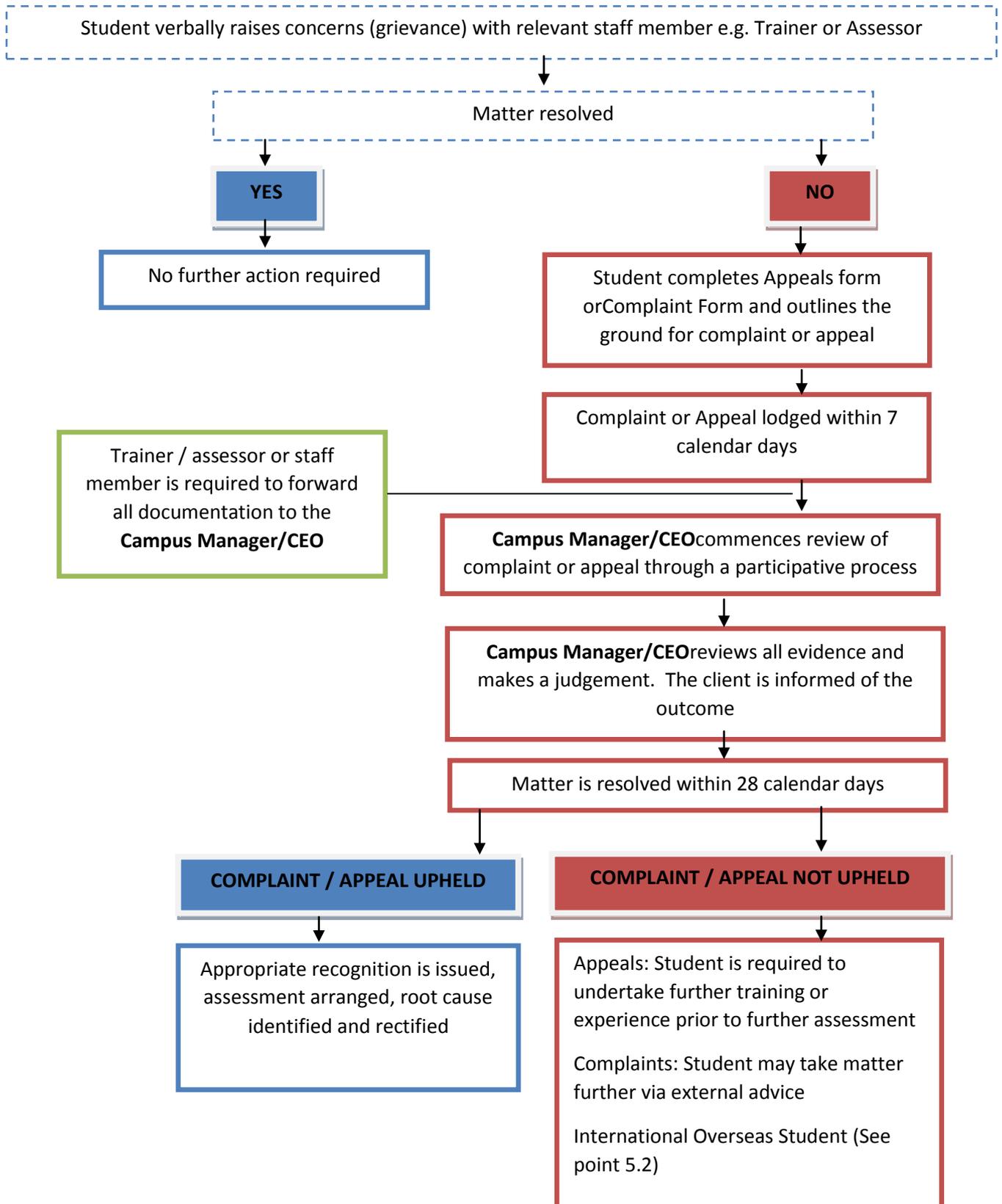
Records of appeals will include:

- How the appeal was dealt with;
- The outcome of the appeal;
- The timeframes for resolution of the appeal;
- The potential causes of the appeal; and
- The steps taken to resolve the appeal.

All documentation from Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy)



### Appeals and Complaints Process Flowchart





## 6 RESPONSIBILITIES

Role within OPIE	Area of responsibility
Compliance/CEO	Approval Authority
Campus Manager/CEO	Development/Review
Campus Manager/CEO	Monitoring and Evaluation
Campus Manager/CEO	Compliance
Campus Manager/CEO	Implementation

**Campus Manager/CEO** of OPIE is the Appeals Resolution Officer. **Campus Manager/CEO** may delegate responsibility for the resolution of the appeal if necessary.

Details concerning the scope of the Appeals Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Student Handbook and OPIE website.

All appeals practices are monitored by **CEO OPIE** and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

## 7 RELATED LEGISLATION AND REGULATIONS

- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 10
- Standards for Registered Training Organisations (SRTOs) 2015
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students Act 2000

## 8 RELATED POLICIES AND PROCEDURES

- Complaints and Appeals Procedure
- Marketing Policy and Marketing Procedure
- Education Agent Policy
- Engagement Prior to Enrolment Policy and Procedures
- Formalisation of Enrolment Policy and Procedures