

P08 - Student complaints and appeals

1 Purpose

- 1.1 The purpose of this procedure is to define the system available to deal with student complaints and appeals.

2 Responsibility

- 2.1 The Director of Studies is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

3 Definitions

- 3.1 A Complaint is an informal or formal notification of a grievance relating to one or more services provided by Baxter Institute or behaviour of a member of staff or another student(s). A complaint does NOT relate to an academic result given to a student, but may relate to the overall process or behaviour attached to that result.
- 3.2 An Appeal is a request to have a decision reviewed. The decision to be reviewed may be as a result of an academic result (e.g. grading), an Administrative Decision (e.g. Letter of Release), or as a result of a formal review of a complaint (based on this policy).
- 3.3 An External Appeal is to a 3rd party engaged to review that the Baxter Institute process documented here has been correctly followed and the appellant has been treated fairly in accordance with that policy. An external appeal is not available until the internal processes have been exhausted.

4 Requirements/Process

- 4.1 Students who are concerned about the conduct of the Institute are encouraged to attempt to resolve their concerns using the complaints and appeals procedure which is independent, easily and immediately accessible.
- 4.2 The procedure will be implemented at no cost to the students.
- 4.3 The procedure will commence within 10 working days of the formal lodgment of the complaint or appeal and supporting information. The Institute will complete the procedure within a reasonable timeframe which takes into consideration the length of a student's visa and the student's enrolment in future subjects and/or courses.
- 4.4 All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enroll and on the orientation day.
- 4.5 All complaints and appeals will be handled professionally, and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.
- 4.6 Students will be provided with details of external authorities they may approach, if required.
- 4.7 At any stage in the formal complaint or internal appeal process students are entitled to have their own nominee included to accompany and support them.
- 4.8 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.
- 4.9 For formal complaints and appeals:
 - i) A written record of formal complaint or appeal will be made.
 - ii) The students will have an opportunity to formally present their case, in writing or in person at no cost to the student.
 - iii) The students may be accompanied and assisted by a support person at any relevant meetings.
 - iv) The Institute will have arrangements in place for a person or body independent of and external to the Institute to hear complaints or appeals or refer students to an existing body where that body is appropriate for the complaint or appeal. International students can lodge external appeals to Overseas Students Ombudsman and domestic students can contact ACPET for external appeal.
 - v) At the conclusion of the complaint or appeal, the students will be given a written statement of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be recorded in complaints and appeals register.
- 4.10 Internal appeals are to be lodged within 20 working days plus 2 working days for postage handling of notification of an intention to report the student to Department of Home Affairs in order to be considered by the Institute (only applicable to International students).

- 4.11 A student's enrolment must be maintained whilst a complaint or appeal is in progress and the outcome has not been determined except in cases where the Institute is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment.
- 4.12 In cases where the Institute is intending to defer or suspend a student's enrolment due to breaching Student Code of Behaviour or to cancel the student's enrolment, the Institute only needs to await the outcome of the internal appeals process (supporting the Institute). For international students, the Department of Education will be notified through PRISMS the change to the student's enrolment. If the appeal is against the provider's decision for the student's unsatisfactory course progress, the institute maintains the student's enrolment until the student until the external appeal process is complete.
- 4.13 Once the Department of Education has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days to leave Australia or show Department of Home Affairs a new Confirmation of Enrolment or provide Department of Home Affairs with evidence that he or she has accessed an external appeal.
- 4.14 The Institute 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 Institute.
- 4.15 If the outcome of internal or external complaints and appeals process is favorable to the student, the Institute must immediately advise the student of this and implement any decision or corrective and preventive action required.
- 4.16 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 Institute's management meeting as part of the continuous improvement process.
- 4.17 If the outcome of internal or external complaints and appeals process support the Institute's attention to report a student for unsatisfactory progress, Department of Home Affairs will be provided with all the information available. If they decide to consider cancellation, a Notice of Intention to Consider Cancellation (NOICC) will be sent to the student prior to a decision being made to cancel the student visa. The student will have chance to respond to the NOICC and explain their situation.
- 4.18 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. Students wishing to take this course of action are advised to:
- i) Contact a solicitor; or
 - ii) Contact the Law Institute of Victoria, telephone 9602 5000 for a referral to a solicitor.
- 4.19 All complaints and appeals will be finalised as soon as practicable.

In the unlikely event that the institute cannot process and finalise the complaint or appeal in the timeframe outlined in this policy, or

If the institute considers that more than 60 days will be required to process and finalise the complaint or appeal:

- The complainant or appellant will be advised in writing of the reasons and
- The complainant or appellant will be regularly updated in writing

All records of complaints and appeals and their outcomes are securely maintained.

Potential causes of complaints are monitored through (but limited to):

- Student surveys
- Feedback forms
- Suggestion boxes
- Verbal feedback

Where practicable, the institute acts on the above information to mitigate and reduce future complaints.

Informal Complaint Process

- 4.20 Any student with a question or complaint may raise the matter with staff of the Institute and attempt an informal resolution of the question or complaint.
- 4.21 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 Institute staff member involved determines that the issue question or complaint was relevant to the wider operation of the Institute.
- 4.22 Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

Formal Complaint Process

- 4.23 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, students must complete the Student Complaint and Appeal form SS116 and contact the Student Support department to arrange a meeting. At this meeting, the complaint can be raised and a resolution attempted.
- 4.24 During the process, the Institute must have arrangements in place for a person or body independent of and external to the Institute to hear complaints or refer students to an existing body where that body is appropriate (Overseas Students Ombudsman for international students and ACPET for domestic students).
- 4.25 At the stage of the complaint meeting the complaint must be recorded in writing and signed and dated by the complainant and the Student support officer. The complaint is recorded in writing by completing the student complaint form prior to the meeting or a new document can be prepared and signed during the meeting.
- 4.26 The Student Support department 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.
- 4.27 A maximum time of 20 working days plus 2 working days for postage handling 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.
- 4.28 At the end of the resolution phase the Student Support Manager will report the Institute decision to the student. The Institute decision and reasons for the decision will be documented by the Student Support Manager and recorded in complaints and appeals register. A copy of this document will be provided to the student.
- 4.29 Following the resolution phase, the Institute will immediately implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint.
- 4.30 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.

Internal Appeal Process

- 4.31 Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions, appeals against notification of an intention to report a student to Department of Immigration and Border Protection and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by the Institute.
- 4.32 A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- 4.33 The appeals process is initiated by a student completing the student appeals form and lodging the completed form with the Student support department.
- 4.34 The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
- 4.35 A maximum time of 30 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.
- 4.36 After a student makes an internal appeal, the Institute will appoint a person or body to hear the appeal or refer student to an appropriate existing body and propose a final resolution. This person or body must be independent of, and external to the Institute, must not be the same as any person or body that heard the original complaint.

- 4.37 Students appealing an assessment or RPL outcome will be given the opportunity for reassessment by a different assessor selected by the Institute. Costs of reassessment will be met by the Institute.
- 4.38 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 Institute and placed in the student file. A copy of this document will be provided to the student.
- 4.39 Following the internal appeals phase the Institute will immediately implement the decision as conveyed to the student and will undertake any improvement actions arising from the complaint.
- 4.40 There are no further avenues within the Institute for complaints or appeals after the internal appeals process has been completed, however the Institute must advise the student the right to access the external appeals process at no cost to the student.

External Appeal process

- 4.41 The purpose of the external appeals process is to consider whether the Institute has followed its student complaint and appeals procedure, and should only be enacted after exhausting of the internal procedures described above.
- 4.42 If international students wish to lodge an external appeal or complaint about this decision, they can contact the Overseas Students Ombudsman (for International students). The Overseas Students 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. See the Overseas Students Ombudsman website www.oso.gov.au or phone 1300 362 072 for more information.
- 4.43 The Overseas Students Ombudsman can investigate complaints about action taken by private providers in connection with overseas students. Complaints might, for example, be about:
 - refusing admission to a course
 - fees and refunds
 - course or provider transfers
 - course progress or attendance
 - cancellation of enrolment
 - accommodation or work arranged by a provider
 - incorrect advice given by an education agent.
- 4.44 For Domestic students, they may use ACPET at 126 Wellington Parade, East Melbourne VIC 3002 as an avenue to lodge their external appeal. ACPET can be contacted via phone number 0394125900 or e-mail: acpet@acpet.edu.au
- 4.45 Students can also contact the Department of Education through the ESOS online enquiry form or through the ESOS helpline 02 6240 5069.
- 4.46 There is no charge for lodging an appeal.
- 4.47 Following the receipt of the outcome of the external appeal the Institute must immediately implement the decision, 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.
- 4.48 If an appeal is against the Institute's decision to report the student for unsatisfactory course progress the Institute must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance for international students) until the external appeals process is completed and has supported the Institute's decision to report.
- 4.49 For International students, the Institute needs to await the outcome of the appeals process (supporting the Institute) before notifying Department of Home Affairs through PRISMS of the change to the student's enrolment.
- 4.50 Once the Department of Education has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days to leave Australia or show Department of Home Affairs a new Confirmation of Enrolment or provide DIBP with evidence that he or she has accessed an external appeal.

Process Map

- 4.51 Refer to Process Map PM2-03

End
