

## 1.0 Policy

This policy/procedure addresses RTO 2015 standards and in accordance with the National Code of Practice for Registration Authorities and Providers of Education to Overseas Students 2007, all students in possession of an Overseas Student Visa must have access to a complaints and appeals process. The resolution of international students' complaints and appeals is vital to the wellbeing and success of students. The intention of this policy is to describe procedures for the effective and early resolution of disputes and supports SPI to provide a process for complaints and appeals to be heard and actioned. All complaints and appeals received by St Peter Institute (SPI) will be viewed as an opportunity for improvement.

The RTO has a complaints policy to manage and respond to allegations involving the conduct of:

- the RTO, its trainers, assessors or other staff
- a third party providing services on the RTO's behalf, its trainers, assessors or other staff or
- a learner of the RTO

The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.

## 1.1. Responsibility

The **Admin Manager** is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

## 1.2. Requirements

- A. Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using this procedure.
- B. The procedure will be implemented at no cost to the student.
- C. The procedure will commence within 10 working days of the formal lodgment of the complaint or appeal and supporting information and all reasonable measures are taken to finalize the process as soon as practicable. The complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome.
- D. All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enroll.
- E. 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.
- F. Students will be provided with details of external authorities they may approach, if required
- G. At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- H. 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. A complaint may be in relation to another student, RTO staff, RTO management or any matter in relation

to studying at SPI or a third party delivering services on SPI's behalf. (if relevant). An appeal may be in relation to any decision made by SPI that impacts the student.

I. For internal complaints and appeals:

- The student will have an opportunity to formally present their case, in writing or in person at no cost to the student
- The student may be accompanied and assisted by a support person at any relevant meetings.
- At the conclusion of the complaint or appeal the student 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 placed in the student file.

J. The following matters must be lodged a formal internal appeals within 20 working days of notification of an intention to report the student to Department of immigration and border protection (DIBP) in order to be considered by the Institute.

- Deferral of commencement, suspension or cancelling a student enrolment
- Non achievement of satisfactory course progress

K. A student's enrolment must be maintained whilst a complaint, internal appeal and external appeal are in progress and the outcome has not been determined except in cases where the provider is intending to defer or suspend a student's enrolment due to misbehavior or to cancel the student's enrolment. (See the next requirement)

L. In cases where the provider is intending to defer or suspend a student's enrolment due to misbehavior or to cancel the student's enrolment the provider only needs to await the outcome of the internal appeals process (supporting the provider) before notifying Department of Education (DOE) through PRISMS (<https://prisms.education.gov.au/Logon/Logon.aspx>) of the change to the student's enrolment unless extenuating circumstances relating the a student's welfare apply.

M. Extenuating circumstances' relating to the welfare of the student must be supported by appropriate evidence and may include, but are not limited to the student:

- having medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
- having engaged or threatening to engage in behaviour that is reasonably believed to endanger the student or others; or
- being at risk of committing a criminal offence

N. 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 by involving Mediation agency which is **LEADR's Student Mediation Scheme**.

O. For all external reviews, SPI will refer the students to LEADR for the external dispute resolution. LEADR offers a free referral service to a mediator, whereby LEADR will facilitate mediation and manage the process.

P. SPI is the member of LEADR as a Student Mediation Scheme member availing the following services from LEADR:

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- Appointment of a mediator;
- Arranging a mutually convenient date and location for any preliminary conference and the mediation;
- Arranging the mediation venue and any teleconference for the preliminary conference, if applicable;
- Notifying the parties and the mediator of the arrangements;
- Providing each of the parties and the mediator with the documentation necessary to conduct the mediation.

Please note, LEADR's mediation services under the LEADR Student Mediation Scheme can only be utilized when the provider's internal appeals processes have been exhausted as per requirements under Standard 8 of the National Code.

For more information please refer to: <http://www.resolution.institute/membership-information/student-mediation-scheme>

Q. If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the **CEO**) to the Institute Management Group meeting so the matter can be recorded in the Institute Complaints Register and be used as part of the continuous improvement activities of the Institute.

R. 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:

- Contact a solicitor; or-
- Contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, telephone 9602 5000 for a referral to a solicitor.

## 2.0 Procedure

The complaints and appeals policy and procedure and applicable form are made available to all students and potential students by directly contacting the St Peter Institute, through SPI website, and within the pre-enrolment resources.

### 2.1 Informal Complaints

- Any student with an issue, question or complaint may raise the matter with staff of the Registered Training Organization and attempt an informal resolution of the question or complaint.
- Students with an issue, question or complaint can arrange a meeting to discuss the matter with one of the following Institute staff members who are responsible to try and resolve the issue, question or complaint with the student:
  - **Trainer**
  - **Training Manager**
  - **Admin Manager**

## ○ Student Support Officer

- If there is any matter arising from a student informal complaint that is a systemic issue which requires improvement action this will be reported by the staff member, in writing (via email) to the **CEO** to the Institute Management Group meeting so the matter can be recorded in the Institute Complaints Register and be used as part of the continuous improvement activities of the Institute.
- The **Student Support Officer** will try and resolve the complaint at the meeting or if required investigate the matter and then arrange another meeting with the student to discuss the outcome of investigation and offer a solution if appropriate.
- Students who are not satisfied with the outcome of their discussion of the issue, question or complaint are encouraged to register a formal complaint by:
  - Obtaining a copy of the Student complaint form which can be requested from the reception desk or the Student Support Officer.
  - Completing the Student complaint form
  - Lodging the Student complaint form with the **Student Support Officer**
  - Students having difficulty completing the Student complaint form should ask a **trainer/assessor** to assist them
  - Once the Student complaint form is lodged with the Student Support Officer it will be dealt with as described in the formal complaint process below.

## Formal Complaint Process – purpose

- The formal complaint process will commence within 10 working days of the formal lodgment of the complaint or appeal and supporting information
- A maximum time of 10 working days from the commencement of the formal complaint process will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
- Formal complaints must be lodged using the Student complaint form which can be found in the or be requested from the reception desk, the **Student Support Officer**.
- Formal complaints must be recorded in the Institute Complaints Register.

## Formal Complaint Process – general complaints

Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so at any time by.

- Obtaining a copy of the Student complaint form which can be found in the or be requested from the reception desk, the **Student Support Officer**.
- Completing the Student complaint form

- Lodging the Student complaint form with the **Student Support Officer**.

Once completed the complaint form is to be lodged with the **Student Support Officer** who will arrange for the complaint to be entered on the Institute complaint register and meet with the student to discuss the complaint with the student. Complainants will be forwarded a letter (by email or post) acknowledging the receipt of their formal complaint and a copy of this policy and procedure within 2 working days of SPI receiving the informal complaint form.

During the formal complaint process:

- Students will have an opportunity to formally present their case to the **Student Support Officer**, in writing or in person at no cost to the student
- Students may be accompanied and assisted by a support person at any meetings involving the complaint.

Complaints can only be dealt with by the **Student Support Officer** or the **Admin Manager/Training Manager**. Whoever does hear the complaint must not be the subject of the complaint and cannot be involved in subsequent appeal hearing.

The role of the **Student Support Officer** or **Training Manager** is to:

- Assist the student register their formal complaint
- Ensure the resolution phase commences within 10 working days of the written complaint being lodged
- Provide the student, or the students representative, with an opportunity to present their complaint
- Ensure they fully understand the student's complaint
- Work with the student to identify how the complaint can be resolved to the satisfaction of the student
- Consult and negotiate with the all parties involved with the complaint in order to obtain their commitment and agreement to the proposed solution
- Formally document the resolution to the complaint including reasons for the method of resolution and provide the student with a written copy of the document
- Arrange for the proposed resolution to be signed off by the student.
- Monitor the implementation of the resolution to ensure that all parties adhere to the agreed resolution.
- Ensure that the details of the complaint are recorded in the Institute Complaints Register and reported (via the Student Support Officers report) to the Institute Monthly Management Group meetings for continuous improvement purposes.
- Advise the student to take the complaint to appeal if a resolution cannot be agreed upon

Any complaint raised by a student that the **Student Support Officer** or **Training Manager** considers may be a traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury must be reported to the Institute CEO, or the most senior person available, and will trigger implementation of the critical incident procedure.

Complaints are to include the following information:

- Submission date of complaint
  - Name of complainant;
  - Nature of complaint;
  - Date of the event which lead to the complaint
  - Attachments (if applicable)
- Once a formal complaint is received it is to be entered into the 'Complaints and Appeals Register' which is monitored by the **Admin Manager** regularly. The information to be contained and updated within the register is as follows:
    - Submission date of complaint
    - Name of complainant
    - Description of complaint / appeal
    - Determined Resolution
    - Date of Resolution
  - A student may be assisted or accompanied by a support person regardless of the nature of the issue or complaint throughout the process at all times.
  - Once a decision has been reached the **Admin Manager** shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the students shall also be notified that they have the right of appeal. To appeal a decision, the SPI must receive, in writing, grounds of the appeal. Students are referred to the appeals procedure.
  - Copies of all documentation, outcomes and further action required will be placed into the 'Complaints and Appeals Register' by the **Admin Manager** and on the students file.

## Formal Complaint Process – notice of intention to report by the Institute

The following matters must be lodged as formal complaints within 20 working days of notification of an intention to report the student to DIBP in order to be considered by the Institute.

- Notice from the Institute of an intention to defer commencement, suspend or cancel a student enrolment

- Notice from the Institute of its intention to report a student for not achieving satisfactory course progress

Complaints arising from a notice of intention to report by the Institute must be lodged with the Institute by:

- Obtaining a copy of the Student complaint form which can be found or be requested from the reception desk, the **Student Support Officer**.
- Completing the Student complaint form
- Lodging the Student complaint form with the Student Support Officer.
- It is the responsibility of the **Student Support Officer** or the **Training Manager/Admin Manager** to ensure that for complaints arising from a notice of intention to report by the Institute the resolution phase commences within 5 working days of the written complaint being lodged

Complaints arising from a notice of intention to report by the Institute will be heard by a Panel of 3 selected from the **Student Support Officer**, **Training Manager** and a member of the **teaching staff** of the Institute (the Complaints Panel). No member of the panel is to have been involved in making the decision to issue the notice of intention to report.

During the formal complaint process:

- Students will have an opportunity to formally present their case to the Complaints Panel, in writing or in person at no cost to the student
- Students may be accompanied and assisted by a support person at any meetings involving the complaint.

The role of the Complaints Panel is to:

- Ensure the resolution phase commences within 10 working days of the written complaint being lodged
- Provide the student, or the students representative, with an opportunity to present their complaint to the Complaints Panel
- Consider the evidence that the Institute holds which lead to the issuing a notice of intention to report
- Consider the evidence presented by the student or the students representative
- Ensure they fully understand the complaint and the matters raised by the student or the student's representative
- Review all the evidence and information provided by the student or the students representative and the Institute
- Consider if there are any applicable extenuating circumstances supporting the students case

- Make an independent decision, based on the evidence to either support the students case and cancel the notice of intention to report or support the Institute case and proceed with the Intention to report
- Within 24 hours of making its decision the panel must have formally documented the decision of the panel including reasons for the decision and convey the written decision and reasons for the decision to the student
- Advise the student to take the complaint to appeal if they are not satisfied with

## Formal Complaint Process – finalisation

At the end of the resolution phase the **Student Support Officer** or the **Training Manager** will report the Institute decision to the student. The Institute decision and reasons for the decision will be documented by the **Student Support Officer** and placed in the students file. A copy of this document will be provided to the student.

Following the resolution phase the Institute will implement the decision as conveyed to the student and undertakes any improvement actions arising from the complaint.

If there is any matter arising from a student formal complaint that is a systemic issue which requires improvement action this will be reported in writing (via email to the **CEO**) to the Institute Management Group meeting so the matter can be recorded in the Institute Complaints Register and be used as part of the continuous improvement activities of the Institute.

Students who are not satisfied with the outcome of the formal complaint are encouraged to appeal against the Institute decision by:

- Obtaining a copy of the Student appeal form which can be found in or be requested from the reception desk, the **Student Support Officer**.
- Completing the Student appeal form
- Lodging the Student appeal form with the **Student Support Officer**

Once the Student appeal form is lodged with the **Student Support Officer** it will be dealt with as described in the Internal Appeal Process below.

## 2.2 Appealing a Decision

All students have the right to appeal decisions made by SPI where reasonable grounds can be established. The areas in which a student may appeal a decision made by SPI may include:

- Assessments conducted
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
- Or any other conclusion / decision that is made after a complaint has been dealt with by SPI in the first instance.

- To activate the appeals, process the student is to complete a 'Complaints and Appeals Form' which is to include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained and help and support with this process can be gained from Student to **Student Support Officer**.
- Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed:
  - The student shall be notified in writing of the outcome with reasons for the decisions, and the 'Complaints and Appeals Register' updated. The student shall also be provided the option of activating

## Internal Appeal Process - purpose

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 DIBP and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student for the Institute to reconsider a decision made by the Institute.

Students who are not satisfied with the outcome of a formal complaint or wish to appeal a decision made by the Institute are encouraged to appeal against the Institute decision by:

- Obtaining a copy of the Student appeal form which can be found or be requested from the reception desk, the **Student Support Officer**
- Completing the Student appeal form
- Lodging the Student appeal form with the **Student Support Officer**

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

The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing. The procedure will commence 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. The complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome.

A maximum time of 10 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.

## Internal Appeal Process - general

Internal appeals (except assessment appeals) will be heard by a 3-person panel selected from the Institute **CEO**, the **Admin Manager**, the **Student Support Officer**, the **Training Manager** and a member of the teaching staff of the Institute (the Appeals Panel).

Students will be forwarded a letter (by email or post) acknowledging the receipt of their appeal and a copy of this policy and procedure within 2 working days of SPI receiving the Complaints and appeals form.

No member of the Appeals Panel is to have been directly involved in the complaint leading up to the appeal.

The role of the Appeal Panel is to:

- Ensure the appeal phase commences within 5 working days of the written appeal being lodged
- Provide the student, or the students representative, with an opportunity to present their appeal to the Appeal Panel
- Ensure they fully understand the students appeal
- Review the evidence and information provided by the student, or the students representative, and the Institute
- Make an **independent** decision, based on the evidence to either support the students appeal, and reverse the decision by the Institute that lead to the appeal or to support the Institute case and proceed with the original decision by the Institute.
- Arrange for the decision to be signed off by the student and the **CEO** (this is not agreement by the student but to record that the decision has been transmitted to the student)
- Within 24 hours of making its decision the Appeal Panel must have formally documented the decision of the panel including reasons for the decision and convey the written decision and reasons for the decision to the student

## Internal Appeal Process – assessment

The student will not incur costs when accessing the internal appeals process unless they seek representation.

If a student feels they have been unfairly assessed or there are circumstances that impacted their performance they may appeal an assessment decision.

Students should approach their assessor in this case outlining the reasons for their appeal.

If the **assessor/trainer** feels there are reasonable grounds for the appeal he/ she may decide to re-assess the student.

The **assessor** should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the students file.

If the assessor decides to refuse the student an opportunity for re-assessment, the student may lodge a formal appeal by submitting a complaints and appeal form. The student must provide reasons for the appeal along with any supporting evidence.

Complaints & Appeals forms are to be submitted to: The **Student Support Officer** or via e-mail to [info@spi.vic.edu.au](mailto:info@spi.vic.edu.au)

- If the appeal is in relation to the **Admin Manager's** decision another member of staff will deal with the process.
- The staff member reviews all the supporting documentation and discusses the situation with the assessor and student. A decision will be made after all the evidence has been considered.

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- Students will be forwarded a letter (by email or post) acknowledging the receipt of their appeal and a copy of this policy and procedure within 2 working days of SPI receiving the Complaints and appeals form. If the **Admin Manager** or other staff member handling the process decides that the students appeal be upheld the following will apply.
- The assessment in question will be marked by a different and the outcome communicated to the student.
- The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the students file.
- The student will be awarded the grade that gives them the most favourable outcome between the two submissions.
- If the students appeal is refused they will be sent written notification of the outcome within two working days of the decision being made. This will also include reasons and details for the decision. The letter will also inform the student of their right to access the external appeals process and how to do so.
- Students can only appeal an assessment decision once.
- If students are dissatisfied with the outcome of the internal appeals process, they may access the external appeals process. Details of this procedure and how to access it are outlined below.
- Students may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the student are to be covered by the student.

### Internal Appeal Process – finalization

The outcome of an 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.

Following the internal appeals phase the Institute will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint through the Institute continuous improvement process

If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the **CEO**) to the Institute Management Group meeting so the matter can be recorded in the Institute Complaints Register and be used as part of the continuous improvement activities of the Institute.

There are no further avenues within the Institute for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available

Students who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal by:

- Obtaining a copy of the Student appeal form which can be found in or be requested from the reception desk, the Student Support Officer
- Completing the Student appeal form and selecting the External appeal option on the form.

- Lodging the Student appeal form with or the Student Support Officer

Once the Student Appeal Form is lodged with the **Student Support Officer** it will be dealt with as described in the External Appeal Process below.

## External appeal process

External appeals may only be lodged if a student thinks SPI has not followed its Complaints and Appeals policy and procedure.

Students must lodge external appeals using the Complaints & Appeals form available from reception at RTO campus. Assistance with completing a Complaint and Appeals form is provided by the Student Support Officer where required.

Students must lodge external appeals using the Complaints & Appeals form located at the reception and Institute website or available from campus. Assistance with completing a Complaint and Appeals form is provided by the **Student Support Officer** where required.

Complaints & Appeals forms are to be submitted to: **Student Support Officer** via reception at campus or via e-mail to [info@spi.vic.edu.au](mailto:info@spi.vic.edu.au). Complainants will be forwarded a letter (by email or post) acknowledging the receipt of their external appeal and a copy of this policy and procedure within 2 working days of SPI receiving the informal complaint form.

The Institute will forward all external appeals to the mediator agreed by both parties e.g. LEADR within two working days of lodgement.

LEADR will advise the student that in general, the purpose of the external appeals process is to determine whether SPI has followed its internal complaints and appeals policy and procedure.

The mediators will not review the evidence or make a decision in place of those made by SPI.

Students will not incur costs in accessing the external appeals process.

All documentation must be placed in the students file.

The mediator will provide a written statement of the outcome including reasons and details for the decision to the appellant and SPI at the completion of the external appeals process.

If the outcome of the external appeals process results in a decision favouring the student, SPI will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external appeals body.

The student will be contacted within one business day of receiving notification from the Overseas Students Ombudsman of the decision.

The student may access and receive the outcome of only one external appeals process per issue.

There are no further avenues provided by SPI available to students once the internal and external complaints and appeals process has been accessed. Students have the right to access other legal avenues.

### Other information to the students:

International students may also access the external appeals process through the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who wish to appeal a decision after the conclusion of the internal complaints and appeals process.

Further information can be obtained from the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.

The Students Ombudsman will not review the evidence or make a decision in place of those made by SPI. The Students Ombudsman will provide a written statement of the outcome including reasons and details for the decision to the appellant and SPI at the completion of the external appeals process. The student will be advised as to the course of action taken by SPI as per The Overseas Students Ombudsman's advice.

## All student complainants

Only under exceptional circumstances, or after all opportunities to resolve the matter through a training provider's internal complaints process are exhausted, should you seek to have your complaint investigated by an external party (such as ASQA). <https://rms.asqa.gov.au/registration/newcomplaint.aspx>

The **National Training Complaints Hotline** is accessible on 13 38 73 (Monday to Friday from 8am to 6pm nationally) or via email [atskilling@education.gov.au](mailto:atskilling@education.gov.au).