



International
College

Complaints and Appeals Policy & Procedure

HIC Policy Number
STUD005

CRICOS Number 02790D
Provider Number 21838

Hays International College

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1. Purpose of policy

This policy ensures compliance with the Standard 6 of the Registered Training Organisations 2015 and ESOS National Code Part D Standard 8, so that all complaints and appeals are recorded, acknowledged and dealt fairly, efficiently and effectively by Hays International College (HIC).

Hays International College (HIC) endeavours to respect the right of students, staff and customers and provide them with a positive environment with transparent and fair complaints and appeal procedure easily accessible to all and includes access to an independent external body if necessary. This policy ensures that all complaints and appeals are addressed promptly and equitably thus increasing satisfaction of students, staff and customers.

2. Responsibility

The PEO is responsible for the implementation of this Policy and procedure and to ensure that all staff are aware of its application and implementation requirements. Students are also informed of this policy and procedure at their pre-enrolment, enrolment and orientation.

3. Key Features

- Hays International College (HIC) complaints policy manages and respond to allegations involving the conduct of:
 - HIC, its trainers, assessors or other staff and
 - a student of HIC.
- Hays International College (HIC) has an appeals policy to manage requests for a review of decisions, including assessment decisions.
- Hays International College (HIC) :
 - ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
 - complaint and appeal process are publicly available
 - set out the procedure for making a complaint or requesting an appeal
 - ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and
 - provide for review by an appropriate party independent of HIC and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

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- Where HIC considers more than 60 calendar days are required to process and finalise the complaint or appeal, HIC will:
 - inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
 - regularly update the complainant or appellant on the progress of the matter.

- HIC will :
 - securely maintain records of all complaints and appeals and their outcomes, and
 - identify potential causes of complaints and appeals and will take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

- HIC has an internal complaints and appeals process that:
 - requires a written record if the complaint or appeal cannot be resolved informally
 - provides a student with the opportunity to formally present his or her case at no cost
 - allows the student to be assisted or accompanied by a support person
 - provides a written statement of the outcome, including details and reasons for the decision; and
 - requires that processes begin within 10 working days of HIC receiving the formal written lodgement of the complaint or appeal.

- HIC will maintain the student's enrolment throughout the internal or external appeals for any complaints and appeals process are ongoing.

- HIC has arrangements in place for an independent external person or organisation to hear the complaints or appeals where HIC's internal process has been completed and the student remains dissatisfied.

- If the outcome of a student's appeal through a HIC's internal or external complaints and appeals handling process is favourable to the student, HIC will immediately advise the student of this and implement any decision and/or corrective and preventive action where required.

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4. Definitions

Appeal: An appeal is an action taken by a student who is not satisfied with a Complaints decision taken by Hays International College and therefore seeks further action. Appeals are lodged and addressed through the Internal Appeals process. If the student is unhappy with the outcome of the Internal Appeal, the student may take the appeal through the External Appeal process. This includes requests to challenge an assessment decision.

Appellant: A person (student, other student, staff or other staff; other persons) making an appeal

Advocate: An advocate is a person nominated by a student who may accompany the student and assist them to present their case during informal discussions, or formal relevant meetings or appeal hearing. This person may be a friend, family member or relative or a counselor but not a legal practitioner or a HIC staff member.

Complaint: is where a prospective student, enrolled student or staff registers a formal complaint, in writing concerning the manner (or behaviour) in which HIC or its staff (including Trainers/Assessors, Administrative Staff or Educational Agents) deals with or provides educational or marketing services to any of these groups. This also includes student amenities, discrimination, sexual harassment, bullying or any other issue that may arise when enrolling or studying at HIC.

A complaint may relate to the following issues:

- Academic matters such as
 - ▶ structure and content of academic programs,
 - ▶ academic progress,
 - ▶ assessment,
 - ▶ curriculum issues,
 - ▶ awards.
- Non academic matters such as
 - ▶ general administrative issues,
 - ▶ privacy matters.

Complainant: A person (student, clients and/or staff) making a Complaint

Formal complaint or appeals process as outlined in Standard 8 ESOS National Code part D is the process which takes place if a grievance cannot be resolved informally (for example, through affected parties discussing the matter).

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'Maintain the student's enrolment': means the provider does not notify the Department of Education of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

Natural justice and Procedural fairness: The opportunity to be heard by an impartial decision maker. There are three basic principles that must be followed/adhered to which are commonly known as the hearing rule; the bias rule and the no evidence rule. Satisfying the rules of natural justice and procedural fairness will vary according to the specific circumstances.

Privacy: Means information protected under the Information Privacy Act (Vic) in accordance with the HIC's Privacy Policy and Procedure.

Respondent: A person who must respond to the Appeal on behalf of the HIC.

Support Person: Means an observer who accompanies an appellant during the Complaint/Appeal process

5. Procedure

Internal Complaints

Internal complaints process contains both informal and formal methods of complaint resolution, which are detailed further below:

Informal Complaints

- An informal complaint is when a student or staff member raises the issue verbally and does not lodge any formal complaint or appeal documentation.
- An informal complaint or appeal will not be documented or recorded.
- A student may raise an informal complaint verbally with their Relevant Training Co-ordinator; PEO, Trainer/Assessor or Student Support Services, or any other HIC staff member whom they wish to raise an issue or complaint with.
- HIC staff members may raise an informal complaint with their immediate supervisor, or any other person within HIC's management team.
- The HIC staff member who receives the complaint will endeavour to resolve the complaint by involving appropriate people to remedy the situation
- If the informal complaint is not solved to the student or staff member's satisfaction, they are encouraged to lodge a formal complaint.

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Formal Complaints

- HIC will commence the complaints process within 10 working days of the formal lodgement of the complaint and supporting information/documentation.
- The staff member or student has the right to withdraw the complaint at any time.
- HIC will ensure that all reasonable measures are taken to finalise the process as soon as practicable.
- At any stage during the complaints process, students are entitled to have their own nominee present to accompany and support them.
- A staff member may request the assistance of a nominee of his/her union or an HIC staff member at any time during the internal complaints process.
- The student's enrolment will be maintained whilst a complaint is in progress and the outcome has not been determined, except in cases where HIC is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment. In cases where HIC is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment, HIC will await the outcome of the internal complaints process. If the complaints outcome confers with HIC, only then will HIC notify Secretary of Department of Education through PRISMS of the change to the student's enrolment.
- If the internal complaints process results in a decision that supports the student, HIC will immediately implement any decision and/or corrective and preventative action required and will advise the student of the outcome.
- If there is any matter arising from a student complaint that is a systemic issue which requires improvement action, this will be reported at the next meeting of HIC's Management as part of the continuous improvement process.
- At the conclusion of the complaints process, HIC will provide the student with a written statement of the outcome within 10 working days of the conclusion of the process. This written statement will include details of the reasons for the outcome as well as a copy of the record of the complaint and its outcome.
- A copy of the written statement will be placed on each of the following:
 - student's individual file maintained by HIC's Administration Department
 - complaints and appeals record file
 - details will also be logged into the Complaints and Appeals Register
 - Written records of outcomes, agreements and actions will be kept at all stages of the complaints process and will be subject to relevant legislation.

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Internal Appeals

- Students may lodge a formal internal appeal arising from a number of sources, including:
 - Appeals against assessment decisions
 - Appeals against disciplinary actions
 - Appeals against decisions arising from complaints
- HIC will commence the appeals process within 10 working days of the formal lodgement of the appeal and supporting information/documentation.
- The student has the right to withdraw the appeal at any time
- HIC will ensure that all reasonable measures are taken to finalise the process as soon as practicable.
- At any stage during the appeals process, students are entitled to have their own nominee present to accompany and support them
- The student's enrolment will be maintained whilst an appeal is in progress and the outcome has not been determined, except in cases where HIC is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment. In cases where HIC is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment, HIC will await the outcome of the internal appeals process. If the appeals outcome confers with HIC, only then will HIC notify Secretary of Department of Education through PRISMS of the change to the student's enrolment.
- If the internal appeals process results in a decision that supports the student, HIC will immediately implement any decision and/or corrective and preventative action required and will advise the student of the outcome.
- If there is any matter arising from the appeals process that is a systemic issue which requires improvement action, this will be reported at the next meeting of HIC's Management as part of the continuous improvement process.
- At the conclusion of the appeals process, HIC will provide the student with a written statement of the outcome within 10 working days of the conclusion of the process. This written statement will include details of the reasons for the outcome as well as a copy of the record of the appeal and its outcome.
- A copy of the written statement will be placed on each of the following:
 - student's individual file maintained by HIC's Administration Department
 - complaints and appeals file
 - details will also be logged into the Complaints and Appeals Register
 - Written records of outcomes, agreements and actions will be kept at all stages of the appeals process and will be subject to relevant legislation.

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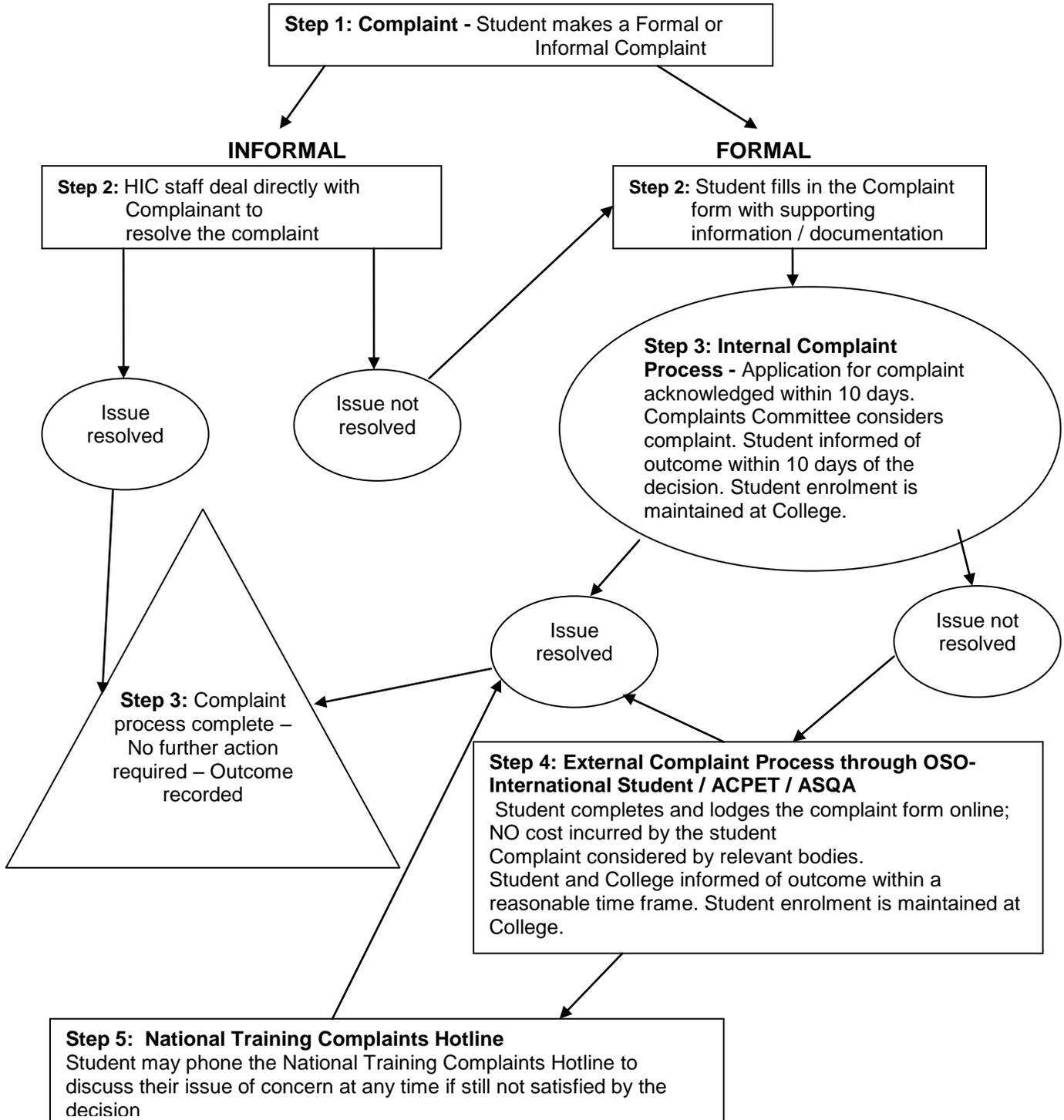


External Complaints and Appeals

- Students have different options available if they wish to lodge an external complaint or appeal. These options include lodging a complaint through one of the following organisations or tribunals:
 - ASQA (<http://www.asqa.gov.au/complaints/making-a-complaint.html>)
 - For “Bullying” issues direct to Fair Work Commission (<http://www.fwc.gov.au/>)
 - Administrative Appeals Tribunal (<http://www.aat.gov.au>)
- Note that ASQA can only deal with complaints concerning the following:
 - the information provided by an RTO about its course/s
 - the delivery and assessment of training received
 - the qualifications issued or to be issued.
- If an International student is not satisfied with the result or conduct of the internal complaint handling and appeals process, HIC will advise the student of his or her right to access the external appeals process through the Overseas Student Ombudsman at no cost to themselves.
 - Contact the Overseas Student Ombudsman:
ombudsman@ombudsman.gov.au or phone: 1300 362 072
- Students can lodge an external complaint through ACPET by downloading and completing the Complaints Form on the ACPET website and returning it to ACPET, who will then contact HIC directly. Please refer to the ACPET website (<http://www.acpet.edu.au>) for further information.
- Nothing in this policy or corresponding procedure inhibits the student or staff’s right to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies; however these expenses will be borne by the student. Students wishing to take this course of action are advised to:
 - Contact a solicitor; or
 - Contact the Law Institute of Victoria for a referral to a solicitor (470 Bourke St Melbourne, ph: 9607 9311, www.liv.asn.au); or
 - Contact one of the following legal aid providers:
Legal aid Victoria at ph 1300 792 387, www.legalaid.vic.gov.au or
Eastern Community Legal Centre at ph 9285 4822, www.eclc.org.au
- If the external complaint handling or appeal process results in a decision that supports the student, HIC will immediately implement any decision and/or corrective and preventative action required and will advise the student of the outcome.
- **National Training Complaints Hotline Australian Government:** If a student is not satisfied with the outcome of the Internal Appeals Process, they may wish to discuss their issue of concern with the ‘National Training Complaints Hotline’ on 133873 or <https://www.education.gov.au/national-training-complaints-hotline-1>

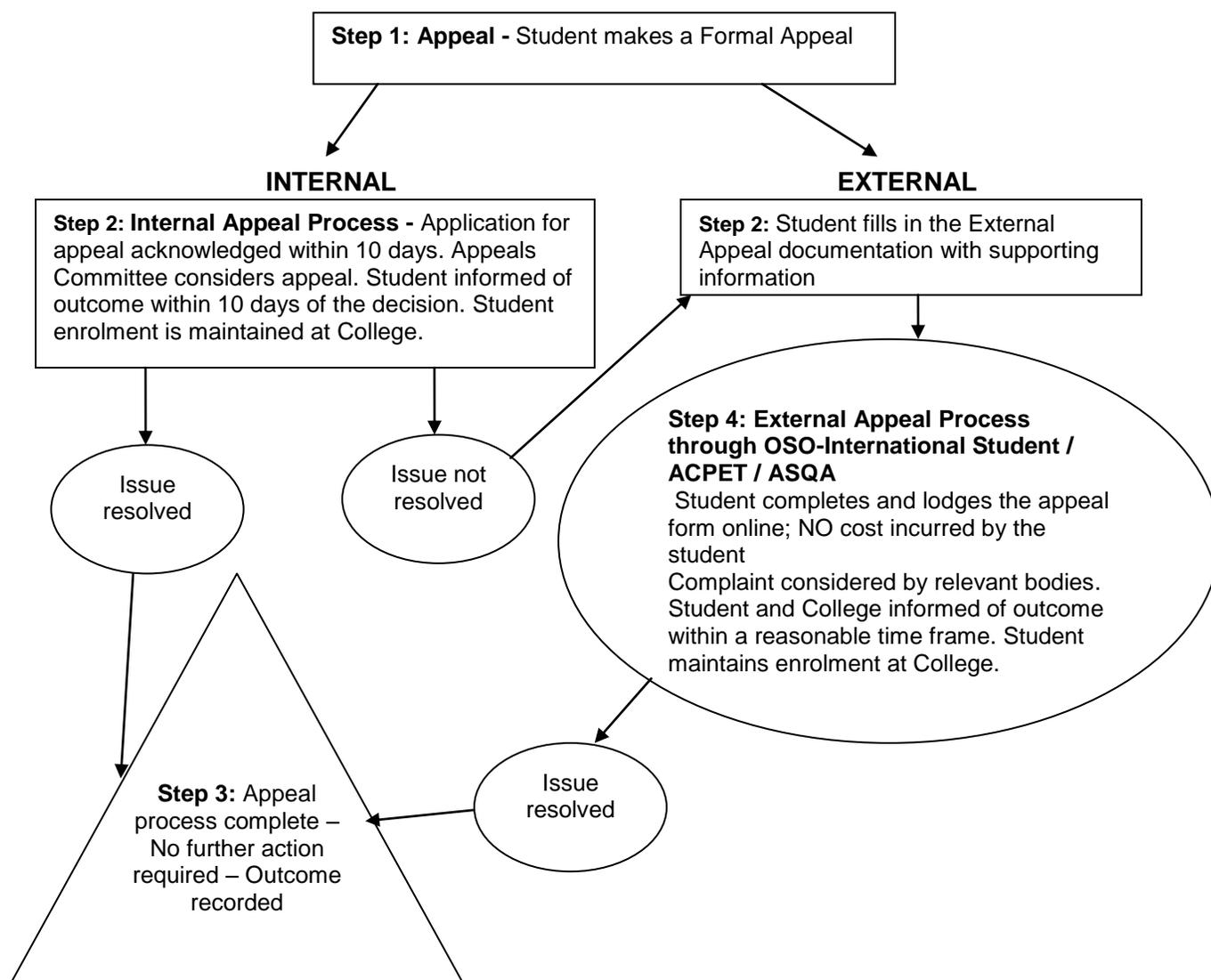


Complaints Process Flow Chart





Appeals Process Flow Chart



RELATED DOCUMENTS			
ESOS	National Code Part D Standard 6, 8, 9, 10, 11.6, 13		
Standards for Registered Training Organisations 2015	Standard 6		
POLICIES	Course completion within expected duration ; Course Progress Policy and Procedure ; DIBP Notification Policy and procedure; Refund; Fees & Charges;		
Last Updated	Dec 2015	Updated by	SC & AW