

## COMPLAINTS AND APPEALS POLICY

<b>Policy Number:</b>	CIPO-5
<b>Name of Policy:</b>	Complaints and Appeals Policy v17.0
<b>Applicability:</b>	All Staff and Students
<b>Policy Owner:</b>	CEO
<b>Contact Person:</b>	Administration Manager
<b>Original Issue date:</b>	11 November 2012
<b>Current Version approval:</b>	Mar 2017
<b>Next review:</b>	January 2018
<b>Related policies:</b>	Student Support Services Policy Letter of Intention to Report
<b>RTO:</b>	91781
<b>CRICOS Provider Number:</b>	03256G

### 1 PURPOSE

**1.1** The purpose of this policy and procedure is to define the system available to students for dealing with complaints and appeals. For overseas students the policy addresses Standard 8, The National Code 2007 as well as Standards for RTOs 2015, Standard 6.

**1.2 NORTWEST has developed the complaints and appeals policy to:**

- 1.2.1 assure students that disputes or complaints will be taken seriously and handled professionally and in confidence in order to achieve a resolution within an expedient timeframe
- 1.2.2 ensure students understand the processes involved in making a complaint or appeal
- 1.2.3 provide students with contact details of public and independent authorities who may assist in the event of a dispute involving a complaint or appeal.

**1.3 The aims of this policy are to ensure that:**

- 1.3.1 complaints and appeals received will be treated as a high priority issue by NORTWEST. Consideration will be given to all evidence available with the objective of reaching a reasonable outcome where decisions are clear and explained in writing.
- 1.3.2 for complaint and appeal matters, the parties are encouraged to attempt resolution informally in the first instance.
- 1.3.3 students will be given a written statement of the complaint or appeal outcome, including reasons for the decision.
- 1.3.4 enquiries clarifying an issue or question are not considered to be a complaint where the issue is corrected or explained to the satisfaction of all parties in the first instance.
- 1.3.5 in most cases, the purpose of an external appeals process is to consider whether NORTWEST has followed its own policies and procedures and not to make a decision in place of NORTWEST.

**1.4** This policy and procedure are systematically developed under continuous improvement strategies.

**1.5** Measurable data arising from issues investigated under this policy will be analysed, and used to clarify and improve RTO operations and services, including continuous improvement.

### 2 RESPONSIBILITY

Complaints and Appeals policy v17.0	Issued: Mar 2017	Review: Jan 2018
Approved by: CEO	Uncontrolled version when printed	Page 1 of 6

- 2.1** The CEO is responsible for implementation of this policy and ensuring that staff and students are made aware of its application.
- 2.2** The Quality Assurance Manager is responsible for monitoring the outcomes of formal complaints and appeals, and to ensure the process is completed.

### 3 DEFINITIONS

**3.1 Complaint:** Express dissatisfaction with an exiting process, person, facility or service including services provided by third parties acting for NORTWEST.

**3.2 Grounds for Appeal:** The reasons for appeal against a decision. Grounds may be based on compassionate or compelling circumstances. This means unusual or exceptional circumstances that are not part of daily life experience such as:

- Serious illness or injury, where a medical certificate states that the student is unable to attend classes for a significant period of time.
- If illness is psychological – must provide a psychologists report.
- Bereavement of close family members such as parents or grandparents.
- Major political upheaval or natural disaster in the home country requiring emergency travel.
- A traumatic experience which could include involvement in, or witnessing a serious accident; and witnessing or being the victim of a serious crime.

The following are **not** unusual or exceptional circumstances and are not grounds for appeal:

- Work-related pressures.
- Daily life traumas and stresses.
- Relationship difficulties and break ups.
- Religious events or holidays outside Australian public holidays.
- Minor illnesses i.e. non-life threatening.
- Any type of health or religion related claims not supported by a certificate or documentary evidence.

**3.3 Evidence:** Support documentation to be provided with a complaint or appeal application.

**3.4 Appellant:** The student who is appealing the decision.

**3.5 Appeal:** A request for reconsideration of a decision made on the basis of ‘Grounds of Appeal’.

**3.6 Grounds for Appeal:** The reason for appeal against the decision. Grounds are based on compassionate and compelling circumstances. This means unusual or exceptional circumstances that are not part of daily life experience.

**3.7 Complainant:** The student who is submitting a complaint.

**3.8 Formal complaint or appeal process:** the process by which a complaint is dealt with when discussing the matter does not resolve the issue.

### 4 POLICY

**4.1** Students who are concerned about a situation, a process, a person or people, assessment or academic determination, a facility or a service of NORTWEST are encouraged to attempt to resolve their concerns using the procedures outlined in this policy. Most issues can be resolved by discussion in the first place with staff.

**4.2** There is no cost to the student for lodgement of the complaint or appeal using internal NORTWEST resolution. External organisations may have their own fee structures which are outside the control of NORTWEST.

Complaints and Appeals policy v17.0	Issued: Mar 2017	Review: Jan 2018
Approved by: CEO	Uncontrolled version when printed	Page 2 of 6

- 4.3** Students may submit a formal complaint or appeal in writing. This should address the appeal grounds criteria and provide supporting documentation, where necessary, with the submission. Informal complaints can be submitted to Student Support Services.
- 4.4** All complaints will be handled professionally and confidentially in order to achieve a fair resolution. Each complainant will have an opportunity to formally present their case to both internal & external parties at minimal or no cost. Student’s enrolment status will not change while the complaint process is underway.
- 4.5** At any stage in the complaint process each party may be accompanied and assisted by a support person at any relevant meeting.
- 4.6** NORTWEST will ensure that the resolution process commences within 10 working days of formal lodgement. NORTWEST will send an acknowledgement letter for each formal complaint. It is important that students provide all available supporting information at the time of lodgement. NORTWEST will take all reasonable measures to finalise the issue as soon as practicable and within a maximum of 60 days. If the issue cannot be resolved within 60 days, the student will receive a notice of the process at that stage.
- 4.7** NORTWEST encourages the parties to approach a complaint with an open view and to attempt to resolve problems through discussion and conciliation with an informal approach. Where a complaint cannot be resolved through the informal process, we acknowledge and support the availability of appropriate external and independent agents to mediate between the parties. This does not prevent either party from seeking external resolution at any stage.
- 4.8** An appeal may arise from a number of factors including appeals from disciplinary actions, an intention notice to report an overseas student to authorities, or a request for release rejected by NORTWEST. The essential nature of an appeal is that the student is requesting a decision of NORTWEST to be reconsidered.
- 4.9** Where decisions are made by NORTWEST that has consequences on the student the right of appeal will be provided in formal notifications informing of this right. A complaint or appeal must be lodged within 20 working days commencing the day of NORTWEST’s written notification or after an academic decision being determined, such as the release of an assessment or test result.
- 4.10** The definitions section of this policy provides acceptable grounds for appeal. If a student’s appeal does not meet the grounds for appeal, the appeal can be rejected by NORTWEST.
- 4.11** In the case of an appeal by an overseas student regarding an Intention to Report to DIBP, for example for unsatisfactory course progress or attendance, only one attempt will be permitted. If the result is in favour of NORTWEST, then the reporting process will proceed.
- 4.12** Overseas students lodging an appeal are advised that, where appealing the reporting to DIBP for unsatisfactory course progress or unsatisfactory attendance, their student enrolment will be maintained until the external complaints process is completed, and the outcome supports the decision to report.
- 4.13** Where an overseas student appeal relates to course deferral; suspension due to misbehaviour; or cancellation of enrolment, NORTWEST will await the outcome of an internal appeal process before advising DIBP via PRISMS.
- 4.14** Unless specifically stated otherwise enrolment will be maintained while a complaint or appeal process is in action. However, the decision whether the student remains in class will depend on the student being up to date financially and whether there are risks or problems in allowing attendance. The student is responsible for informing NORTWEST of any external appeal process, otherwise NORTWEST cannot be responsible for reporting to DIBP when they were not aware of the external

Complaints and Appeals policy v17.0	Issued: Mar 2017	Review: Jan 2018
Approved by: CEO	Uncontrolled version when printed	Page 3 of 6

appeal. NORTWEST limits external appeals to one external appeal. Students may wish to consider the most appropriate external agency to appeal to as the decisions of the appeal will be enacted at the conclusion of the first external appeal.

- 4.15** For complaint and appeal matters, NORTWEST will first take into consideration its policies, procedures and all NORTWEST documentation in determining the NORTWEST position on matters. Further, NORTWEST will take in consideration visa end date for overseas students and try to resolve the matter before student visa expiry.

## 5 PROCESS

### 5.1 Informal Complaint and Appeal Process

- 5.1.1 Students are encouraged to try and resolve any complaint directly through discussion in the first instance. Students may raise the issue with NORTWEST staff. If this does not offer an acceptable outcome, then the formal complaints process is followed.

### 5.2 Formal Internal Complaint and Appeal Process

- 5.2.1 To register a formal complaint or appeal, students are to submit the complaint or appeal in writing on an official NORTWEST form with supporting evidence, where necessary, attached. The complaint or appeal form can be sent to [info@cityinstitute.edu.au](mailto:info@cityinstitute.edu.au)
- 5.2.2 When a formal complaint is received by, NORTWEST will allocate appropriate staff within 10 working days to investigate the matter, based on the issues and supporting evidence provided. NORTWEST will also source any evidence it has as part of the investigation. As a matter of a priority, our investigation will be completed within 20 working days unless the process is delayed by waiting for key information.
- 5.2.3 The length of a student visa and the student's enrolment in future subjects and/or courses will be taken into account and the matter handled as appropriate.
- 5.2.4 A meeting will be scheduled with appropriate staff, the complainant, and Student Support or delegate.
- 5.2.5 At the meeting the student will be offered the opportunity to present and discuss their complaint or appeal, and may bring a support person with them.
- 5.2.6 Minutes of the meeting will be taken.
- 5.2.7 If the student declines or fails to attend the scheduled meeting, a formal response will be determined in their absence based on the evidence available.
- 5.2.8 The student will be advised in writing of the outcome of their complaint including the reasons for the outcome.
- 5.2.9 If the internal complaints process results in a decision that supports the student, NORTWEST will immediately implement the decision and/or corrective action required and advise the student of the outcome. Actions required by NORTWEST will be done within 3 working days where possible.

**5.3** All documentation relating to any complaint or appeal, and outcome will be placed in the student's file.

**5.4** Nothing in this policy inhibits students' rights to pursue other legal support. A student, or NORTWEST, is entitled to resolve any dispute by exercising their rights to other legal support. Students wishing to take this course of action may consider:

- Contact a solicitor; or
- Law Society of New South Wales for a referral to a solicitor.

### 5.5 External Complaint

Complaints and Appeals policy v17.0	Issued: Mar 2017	Review: Jan 2018
Approved by: CEO	Uncontrolled version when printed	Page 4 of 6

5.5.1 If a student is dissatisfied with the NORTWEST complaints and appeals processes and wish to lodge an external complaint or appeal about a college decision, the following contacts may be of use. The Overseas Students Ombudsman offers a free and independent service for overseas students who want to lodge and external appeal about a decision made by the college. ASQA is not a service for reviewing complaints or appeals but may be contacted to complain about the College.

<b>ESOS Helpline</b> PH 1300 615 262
<b>Overseas Students Ombudsman</b> GPO Box 442 Canberra ACT 2601 From Australia PH 1300 362 072 Outside Australia +61 2 6276 0111 <a href="http://www.oso.gov.au">http://www.oso.gov.au</a>
<b>Australian Skills Quality Authority (ASQA)</b> GPO Box 9928 SYDNEY NSW 2001 PH 1300 701 801 <a href="http://www.asqa.gov.au">www.asqa.gov.au</a>

## 6. RECORDS AND INFORMATION

All documentation will be kept in the student record both in the main student file and electronically.

## 7. ASSOCIATED DOCUMENTS

Forms and Record Keeping:

Title	Document Location	Responsible Officer	Minimum Retention Period
Student Monitoring Agreement and Plan - Intervention Form – student contact record	1. Student's File 2. Student Administration System (Wisenet)	Student Support Officer	2 years after last entry
Complaints and Appeals Forms	Student's File 2. Student Administration System (Wisenet)	Quality Assurance Manager	2 years after last entry

## 8. REFERENCES

- Education Services for Overseas Students (ESOS) Act 2000
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007; Standard 8 of the National Code.
- Standards for RTOs 2015 Standard 6

## 9. IMPLEMENTATION

The Complaints and Appeals Policy and Procedure will be implemented throughout NORTWEST via:

1. Student and staff inductions and orientations
2. Student handbook
3. Staff handbook
4. Inclusion on the NORTWEST website - Downloads

## 10. REVISION HISTORY

<i>Complaints and Appeals policy v17.0</i>	Issued: Mar 2017	Review: Jan 2018
Approved by: CEO	Uncontrolled version when printed	Page 5 of 6

Revision	Date	Description of modifications
1	April 2010	Original
2	August 2010	Review
3	April 2011	Review – re OSO
4	February 2011	Review and merge with Appeals Policy
5	May 2012	Updated
5	October 2014	Revision of wording for better clarification
v15	October 2015	Review
V15.1/ v15.2	November 2015	Add third parties to 3.1, clarify external complaint services.
V16	February 2016	Add 60 days to clause 4.6 and acknowledgement of written complaint
v17.0	March 2017	Update company name, logo and footer