



Complaints and Appeals Policy and Procedures

National Code Standard 10



Table of Contents

Version Control	4
Purpose.....	5
Scope	5
Policy Statement	5
Legislative Context	5
DEFINITIONS.....	6
POLICY	7
PROCEDURES	8
Appeals	10
Improvements.....	10
The Complains/Appeal Procedure – Flow chart	12

Version Control

Complaints and Appeals Policy	
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Next Review by: 1 July 2020	Contact Officer: principal @aiit.edu.au Wagdi Andrawis

Purpose

The purpose of this procedure is to define the system available to overseas students for dealing with:

- Complaints and appeals
- Independent resolution and
- Appellant rights.

Scope

This policy applies to all overseas students enrolled within Vocational Education and Training (VET) courses of study offered by the AIIT.

Policy Statement

As a “registered provider” under the Education Services for Overseas Students Act 2000 (ESOS Act), Australian Institute of Innovation & Technology (AIIT) is bound by that Act and subsequent Education Services for Overseas Students Regulations 2001 and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code). Under the guidance and framework provided by these Acts, Regulations and Codes, the AIIT will conduct all complaints and grievances ethically, honestly and with fairness to all parties.

Legislative Context

- National Vocational Education and Training Regulator Act 2011
- Standards for Registered Training Organisations (RTOs) 2015
- The ESOS Act 2000
- Education Services for Overseas Student (ESOS) Regulations 2001
- The National Code 2018

DEFINITIONS

Complaint	Defined as a person’s expression of dissatisfaction with any aspect of the College’s services and activities
Appeal:	A request for a decision to be reconsidered on the grounds of procedural unfairness.
Appellant:	A person who lodges an appeal.
Support person	A person who may help a student make a complaint, provide support or give advice on the procedures. A support person may be a friend, student, staff member or family member. A support person does not speak on behalf of the student and is not an advocate.

Standard 10 of the National Code 2018 requires that:

Registered providers ensure international students have a fair, inexpensive complaints and appeals process that includes access to an independent external body if necessary.

- The provider must have 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 minimal or 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 the provider receiving the formal written lodgement of the complaint or appeal.
- The provider must maintain the student’s enrolment while the complaints and appeals process are ongoing. This does not necessarily mean that a student must remain in class.
- The provider must have arrangements in place for an independent external person or organisation to hear the complaints or appeals where the provider’s internal process has been completed and the student remains dissatisfied.
- The student must be granted immediate access to the provider’s complaints and appeals process. The process must begin within 10 working days of the formal lodgement of the complaint or appeal.
- The provider’s documented internal complaints and appeals process must include provision of a written statement of the outcome including details and reasons for the decision.
- If the outcome of a student’s appeal through a provider’s internal or external complaints and appeals handling process is favourable to the student, the provider must immediately advise the student of this and implement any decision and/or corrective and preventive action required.

<https://www.aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD8.aspx>

POLICY

AIIT has developed a detailed Student complaint and appeal Procedure.

The first point of contact for an overseas student with an issue or problem is the relevant staff concerned. It is the staff duty to deal with the issue as soon as it arises, and in the best manner possible.

At all possible times, it is in the interest of the Institute and all staff at the Institute that overseas student issues are dealt with in a professional, understanding and timely manner so that the overseas student community at AIIT maintains confidence in the courses and methodologies that the Institute runs and employs.

A complaint can be defined as a person's expression of dissatisfaction with any aspect of the AIIT's services and activities. A complaint may be an expression of dissatisfaction with:

- a. academic matters such as the provision of training and assessment within a VET course of study, including quality of teaching, classroom issues, availability and standard of instructional resources, course content, student progress, scheduling, training facilities and discrimination; and
- b. Non-academic matters relating to the provision of support services such as those associated with the enrolment process, handling of personal information and access to personal records.

The Institute is committed to maintaining an effective, timely, fair and equitable complaint handling system which is easily accessible and offered to complainants at no charge for internal review of a complaint or appeal, and at a reasonable cost for the external review of an appeal. This system can be utilized by eligible overseas students, including potential overseas students enrolled or seeking to enroll in a VET course of study with the Institute, to submit a complaint of an academic or non-academic nature.

PROCEDURES

Step 1:

Student is encouraged, in the first instance, to resolve the concern or difficulty directly with the staff member(s).

Step 2:

- If the relevant staff member(s) is unable to resolve the situation at Step 1, then, the student may submit the formal 'Student Complaint & Appeals' Form to Student Services Officer or Academic Manager. At this point a formal serious complaint/appeal has been lodged and triggered.
- The student may wish to make an appointment with the Student Services officer to give notice of the complaint or desire to appeal. Student Services officer makes two copies of the form. The original shall be sent to the Academic Manager/PEO (depending on the nature of the appeal). The second copy shall be placed in the student's file.
- The formal resolution process will commence within 10 working days of the lodgment of the complaint or appeal and supporting information, and all reasonable measures will be taken to finalize the process as soon as practicable.
- The overseas student will be advised that there will be minimal or no cost to themselves. All complaints and appeals will be recorded in a log book maintained for that purpose by the Student Services officer.
- Within 10 working days of the receipt of a formal complaint/appeal the Student Services officer will consider the information provided and may contact the student if further information is required.
- The Student Services officer shall if they see fit, make a decision on the matter and advise the students.
- Once a resolution is reached, the Student Services officer prepares a draft letter and submits it to the PEO for approval; Once approved, overseas student will be provided with a copy of the resolution, in which overseas student is invited to acknowledge his/her satisfaction with the outcome or otherwise student's right to access external appeals and/or resolution processes.

If the overseas student is satisfied with the outcome, the relevant files will be updated and the case is closed.

Step 3:

- If the overseas student is not satisfied then he/she can request to refer the complaint to the PEO. Student Services officer gather information about student complaint. The Student Services officer prepares a case file for presentation to the PEO. PEO will organize a meeting with the overseas student and try to resolve the matter. PEO may appoint an independent mediator to conduct the appeal and propose a resolution. The independent mediator must be accepted by both parties.
- The overseas student will be informed in writing of the outcome of the appeal, including details of the reasons for the outcome.
- Once a resolution is reached, the Student Services officer prepares a draft letter and submits it to the PEO for approval; Once approved, overseas student will be provided with a copy of the resolution, in which overseas student is invited to acknowledge his/her satisfaction with the outcome or otherwise

student's right to access external appeals and/or resolution processes. If the overseas student is satisfied with the outcome, the relevant files will be updated and the case is closed.

Step 4

- If the problem cannot be resolved within the Institute overseas student may also access the external appeals processes. This is conducted by:

Overseas Students Ombudsman

GPO Box 442

Canberra ACT 2601

AUSTRALIA

<http://www.ombudsman.gov.au>

- If the overseas student wishes to access the external appeals process they must do so within 5 working days of receiving an Unsuccessful Appeals letter. The student should initiate the process by completing the form website on:

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

- The cost of external appeal is free of charge.
- Once an overseas student has applied for an external review, OSO will inform the AIIT of the application. The student's enrolment will be maintained in the course during the appeals process.
- Both the overseas student and the Institute will receive an acknowledgment letter from OSO advising of the deadline to provide supporting information for the mediation process.
- All documentation from the overseas student and the Institute will be forwarded to the OSO. The OSO will examine and review the submissions and documentation. The OSO will outline determination and forward decision to AIIT.
- AIIT will receive the determination from OSO and reach to a final decision.

Appeals

1. Appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by an overseas student to reconsider a decision made by the registered training organization.
2. When an overseas student appeals a decision by the registered training organisation, the PEO may appoint an independent mediator to conduct the appeal and propose a resolution. The independent mediator **must** be accepted by both parties. The overseas student is also entitled to nominate a person of their choice to be a second person to conduct the appeal and propose a resolution.
3. For all appeals:
 - i. The appellant must have an opportunity to formally present their case with a support person present if necessary.
 - ii. The appeal must be recorded in writing and signed and dated by the complainant and the Student Services Officer.
 - iii. The outcome of the appeal and the reason for decisions made must be recorded in writing and signed and dated by the complainant and the PEO.
4. Nothing in this procedure inhibits overseas student's right to pursue other legal remedies. Overseas students are entitled to resolve any dispute by exercising their rights to other legal remedies. Overseas students wishing to take this course of action are advised to contact:

Overseas Students Ombudsman
GPO Box 442
Canberra ACT 2601
Australia
<http://www.oso.gov.au/>

Tel: 1300 362 072
Fax: 02 62760123

Improvements

If appropriate, any improvement actions arising from a complaint or appeal must be recorded in the Continuous Improvement Register.

The Complains/Appeal Procedure – Flow chart

