

Complaints and Appeals Policy

1. Purpose

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

- The OIC, its trainers, assessors or other staff,
- A third party providing services on the OIC's behalf, its trainers, assessors or other staff or
- A learner of the OIC.

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

This process provides opportunity for complaints and appeals to be forwarded to Orange International College (OIC) management in a timely and confidential manner.

- <http://asqa.gov.au/users-guide-to-the-standards-for-registered-training-organisations-2015/about-the-standards-for-rtos/standard-six/clauses/clauses-6.1--6.6.html>
- <https://internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD8.aspx>

OIC's complaints policy and appeals policy:

- ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
 - are publicly available
 - set out the procedure for making a complaint or requesting an appeal
 - Provide for review by an appropriate party independent of the OIC 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.
 - ensure the complainant has the right to a full explanation in writing for decisions and actions taken at all stages of the grievances, complaints and appeals process;
 - ensuring that there is proper investigation of the facts;
 - ensuring that there is appropriate evidence to support a decision;
 - ensuring that parties are not victimised or discriminated against during the grievance, complaint and appeal procedure;
 - ensuring on any occasion when the grievance or complaint is to be discussed, the complainant and respondent have the right to be accompanied by a third party (family member, friend, colleague, interpreter or other non-legal support person);
 - ensuring the complainant has the right to access legal remedies outside of the OIC grievances, complaints and appeals processes;
 - informing relevant parties of any allegations made against them, as appropriate;
 - ensuring that all persons involved are informed under the procedures under which the grievance or complaint is being handled and have access to the relevant policy and procedure;
 - ensuring that all parties have a fair hearing and those who have had complaints made against them understand the case to be met and given the opportunity to reply in a way that is appropriate for the circumstances before a decision is made
 - ensuring that all relevant submissions and any mitigating factors are given due and proper consideration before any conclusions are reached or any action is taken; and
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- Advising all parties that if the grievance or complaint is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into the grievance or complaint may be used in any subsequent disciplinary proceedings.
 - Ensuring impartiality on the part of the investigator and/or decision maker, which means the investigator/decision maker must exclude themselves if there is any bias or conflict of interest. Being the supervisor or work associate of the respondent does not in itself give rise to a conflict of interest. The test is whether a fair-minded observer might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the question;
 - Have a process in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept.
 - Each complainant or appellant has an opportunity to formally present his or her case at no cost to him or herself

- ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and a written statement of the outcome including details of the reasons for the outcome are provided
- The process must commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable
- OIC have arrangements in place to refer students to an external arbitrator or person independent of and external to OIC, to hear complaints or appeals arising from the OIC's internal complaints and appeals process or refer students to an existing arbitrator where that arbitrator is appropriate for the complaint or appeal

2. Scope

The CEO of Orange International College is the Complaints Resolution Officer. The CEO may delegate responsibility for the resolution of the complaint if necessary.

The object of this policy is to ensure that Orange International College staff act in a professional manner at all times. This policy provides learner/students with a clear process to register a complaint or appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.

3. Procedure

3.1 Complaints and Appeals

Informal Process

If a learner/student has a complaint they are encouraged to speak immediately with the OIC staff to resolve the issue. If the complainant is not satisfied that the issue has been resolved they will be asked to complete a Complaints and Appeal Form available from OIC staff or website. Orange International College will then investigate the complaint and advise the complainant of the outcome. All formal complaints are submitted in writing to the admin staff.

3.2 Complaints Process

All complaints shall follow the below procedure:

- Made in writing within 5 days of the incident using the Complaints and Appeals Form
- A student may be assisted or accompanied by a support person regardless of the nature of the Complaint/Appeal.
- A submitted Complaints and Appeals form will constitute a formal complaint from the participant
- Admin staff shall enter details of complaint into Student Management System (SMS) and Complaints and Appeals Register. The CEO must be informed of receipt of all complaints by admin staff and shall also be provided with all the documentation for action.
- In the case of a complaint, the CEO will initiate a transparent, participative investigation to identify the issues. Actions which may be taken include, but are not limited to:
 - Discussing the facts of the complaint with the complainant.
 - Where appropriate and applicable, discuss the complaint with the respondent giving details of the complaint and complainant, giving cause to procedural fairness.
 - Where appropriate and applicable, encourage and facilitate the disputants to engage in mediation on an informal level.
 - Interview all parties individually, including any witnesses.
 - Conduct interviews privately and confidentially
 - Where applicable, report the outcome of the meeting with the respondent to the complainant.
 - Seek preferred outcome from each of the parties.
- The CEO may delegate responsibility for the resolution of the complaint
- Assessment complaints will be processed in accordance with the Appeals Procedure (Annex - A)
- Complaints where possible are to be resolved within 10 working days of the initial application
- In all cases the final conclusion will be assessed by the CEO
- The Participant will be advised in writing of the outcome of their complaint
- Upon finalising of the complaint, copies of all the documentation and further action required will be entered into Student Management System, Complaints and Appeals Register and placed in student file by the admin staff.
- CEO will ensure that the issue, policy and procedures relating to any substantiated complaint is reviewed and progressed through continuous improvement processes, as appropriate
- If the outcome is not to the satisfaction of the participant, they may seek an appointment with the CEO.

- n) If the participant is not satisfied with the decision they will be advised of their right to appeal or access OIC's external arbitrator. The complainant can access an external complaints process at their own cost (See Appendix 1). Complainants must ensure they have accessed the internal processes first.
- o) All complaints will be handled as Staff-In-Confidence and will not affect or bias the progress of the participant in any current or future training. The student enrolment must be maintained whilst the complaint is in progress.

4. Appeals

Orange International College strives to deal with appeal issues as soon as they emerge, in order to avoid further disruption or the need for a formal complaint process.

All students have the right to appeal decisions made by OIC. The areas in which a student may

Appeal a decision made by the OIC may include but are not limited to:

- Assessments conducted
- Reported breaches of academic performance.
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment

4.2 Appeals Procedure

All appeals shall follow the below procedure:

- a) Be made in writing within 5 days of notification of the assessment decision using the Complaints and Appeals form.
- b) A student may be assisted or accompanied by a support person regardless of the nature of the Complaint/Appeal.
- c) A submitted Complaints and Appeal form will constitute a formal appeal from the participant
- d) Admin staff shall enter details of Appeal into Student Management System (SMS) and Complaints and Appeals Register. The CEO must be informed of receipt of all appeals by admin staff and shall also be provided with all the documentation for action.
- e) The CEO may delegate responsibility for the resolution of the appeal
- f) Appeals will be processed in accordance with the Appeals procedure – Annex B
- g) Appeals where possible are to be resolved within 10 working days of the initial application
- h) In all cases the final conclusion will be endorsed by the CEO
- i) The participant will be advised in writing of the outcome of their appeal
- j) Upon finalising of the appeal, copies of all the documentation and further action required will be entered into Student Management System, Complaints and Appeals Register and placed in student file by the admin staff.
- k) CEO will ensure that the issue, policy and procedures relating to any substantiated appeal is reviewed and progressed through continuous improvement processes, as appropriate.
- l) If the outcome is not to the satisfaction of the participant, they may seek an appointment with the CEO.
If the participant is not satisfied with the decision they will be advised of their right to appeal or access OIC's external arbitrator. The complainant can access an external appeals process at their own cost (See Appendix 1). Complainants must ensure they have accessed the internal processes first.
- m) All Appeals will be handled as Staff-In-Confidence and will not affect or bias the progress of the participant in any current or future training. The student enrolment must be maintained whilst an appeal is in progress.
- n) The Student has the right to formally present their case at no cost.

Assessment Appeals

Assessment appeals shall follow the below procedure:

- a) If the client is unhappy with the assessment decision they should first seek to discuss the decision and options with the Assessor, to determine and fully understand the reasons for the decision.
- b) With a view to resolving the matter, discuss with the client: give specific feedback on their performance, identify areas of improvement, and provide options to the client such as further training and/or assessment. Where appropriate the Trainer/Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer/Assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- c) If the matter is not resolved, advise client of their right to appeal the decision referring them to the Complaints and Appeals policy and provide client with access to the Complaints and Appeals Form

- d) CEO shall be notified and shall seek details from the Trainer/Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. CEO will nominate, within five working days, an independent assessor or panel to review the appeal and make a determination.

Appealing against decision to report breach of academic performance.

Academic Performance appeals shall follow the below procedure:

- a) Where a student wishes to appeal the decision of OIC to notify Department of Immigration and Border Protection (DIBP) of a breach of academic requirements the student shall fill up Complaints and Appeals Form outlining the details of their appeal. The student should have justifying circumstances as to why they have breached their requirements and must be able to provide evidence of these circumstances.
- b) The CEO shall be notified and shall seek details regarding the initial documentation of the breach and shall make a decision based on the grounds of the appeal. After meetings and/or interviews are held with all relevant parties the appeal outcome shall be determined.
- c) Where a student has decided to access the appeals process in relation to a reportable breach, OIC will not report the breach until the appeals process has been undertaken. OIC is required to maintain all relevant responsibilities until the breach has been reported to DIBP via PRISMS.

Appealing against deferments, suspension or cancellation of enrolment decisions

Deferments, Suspension or Cancellation appeals shall follow the below procedure:

- a) Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment, the student shall lodge an appeal by completing a Complaints and Appeals Form outlining their reasons, together with supporting evidence for the appeal.
- b) The CEO shall be notified and shall seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal.
- c) Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, OIC will not update the student's status via PRISMS until the appeals process is completed. OIC is required to maintain all relevant responsibilities until the change in enrolment status has been reported to DIBP via PRISMS.

Where OIC considers more than 60 calendar days are required to process and finalise the complaint or appeal, the OIC:

- Informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and regularly updates the complainant or appellant on the progress of the matter.

5. Appendix 1

Complainants have a number of external complaint or appeal options including:

Consumer Affairs Victoria

P: 1300 558 181
consumers@justice.vic.gov.au
www.consumer.vic.gov.au

Administrative Appeals Tribunal

P: 1300 366 700
<http://www.aat.gov.au>

Dispute Settlement Centre of Victoria

P: 03 9603 8370 or 1800 658 528
dscv@justice.vic.gov.au
www.justice.vic.gov.au/disputeinfo

Victorian Equal Opportunity and Human Rights Commission

P: 1300 891 848 F: 1300 891 858
information@veohrc.vic.gov.au
www.humanrightscommission.vic.gov.au

Training Complaints Hotline

If a participant is not comfortable with disclosing a complaint then they can call the National Training Complaints Hotline on 1800 000 674 and lodge the complaint with them. They will advise the participant of what actions may be required to deal with the complaint.

<http://www.industry.gov.au/skills/nationaltrainingcomplaintshotline/Pages/default.aspx>

OIC's RTO registering body – Australian Skills Quality Authority (ASQA)

Please note: ASQA do not investigate complaints about refunds, apprenticeships or traineeships or personal disputes between students and trainers/assessors. ASQA is not able to act as the independent third party for reviewing complaints.

Domestic Students:

<http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>

International Students/Overseas Students:

<http://www.asqa.gov.au/complaints/make-a-complaint---overseas-students/before-you-submit-a-complaint1.html>

6. External Appeals (International/Overseas Students)

Should you be dissatisfied with the outcome of the Complaints and Appeals, you may access an external body like Overseas Student's Ombudsman (Free service for the students). The Overseas Students Ombudsman investigates complaints about problems that overseas students have with private education and training in Australia. The Ombudsman also provides information about best practice complaints handling to help private education providers manage internal complaints effectively. It also publishes reports on problems and broader issues in international education that we identify through investigations.

- a. **Overseas Students Ombudsman**
Tel: 1300 362 072
- b. **Website:** www.oso.gov.au

Further, Orange International College will maintain your enrolment during the appeal process, unless the Orange International College fears for the safety and wellbeing of the student and/or people the student may encounter any extenuating circumstances* in which case the Orange International College may cancel the student's enrolment. The student, however, can still appeal from his or her Australian residence or home country.

If International Student wishes to lodge an external appeal or complain, you can contact the Overseas Students Ombudsman. 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 <http://www.ombudsman.gov.au> or phone 1300 362 072 for more information.

If international student decide to appeal externally, you have 10 days from the date that appears at the head of the Internal Appeal's Statement of Outcome within which to lodge an appeal with the external arbitrator. At the same time, you MUST notify Orange International College that you intend to appeal externally. If, within the 10 day period, you have not notified Orange International College that you have appealed to the external body, Orange International College will consider that you do not intend to appeal externally and the complaint will be deemed closed. If you want to appeal against a cancellation or suspension or Intent to Report relating to attendance (*ELICOS courses only*) and course progress you have 20 working days to place a request.

Finally, students may find out more about their rights and laws governing their stay in Australia from: <https://internationaleducation.gov.au> or ESOS HELPLINE Tel: (02) 6240 5069.

More Information for International Students Only: <https://internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD8.aspx#1>

This following question has been copied from above website.

Q4: If a student is dissatisfied with the provider's complaints and appeals processes, what can the Student do?

A: The student can contact the Department of Education through the *ESOS online enquiry form* or through The ESOS helpline 02 6240 5069. The student may send through a complaint at any point, including after He or she has exhausted the provider's internal appeals process and the external appeals process. The Department of Education will only intervene where the provider's appeals process was not conducted Correctly or if the provider did not make the appeals process available to the student.

Good practice would be for the provider to let the student know that help is available from the Department of Education. The student should also be made aware that the Department of Education will only look at whether the appeals process met the requirements of the National Code. The Department of Education will not be looking at whether the outcome of a properly conducted appeal process was right or wrong.

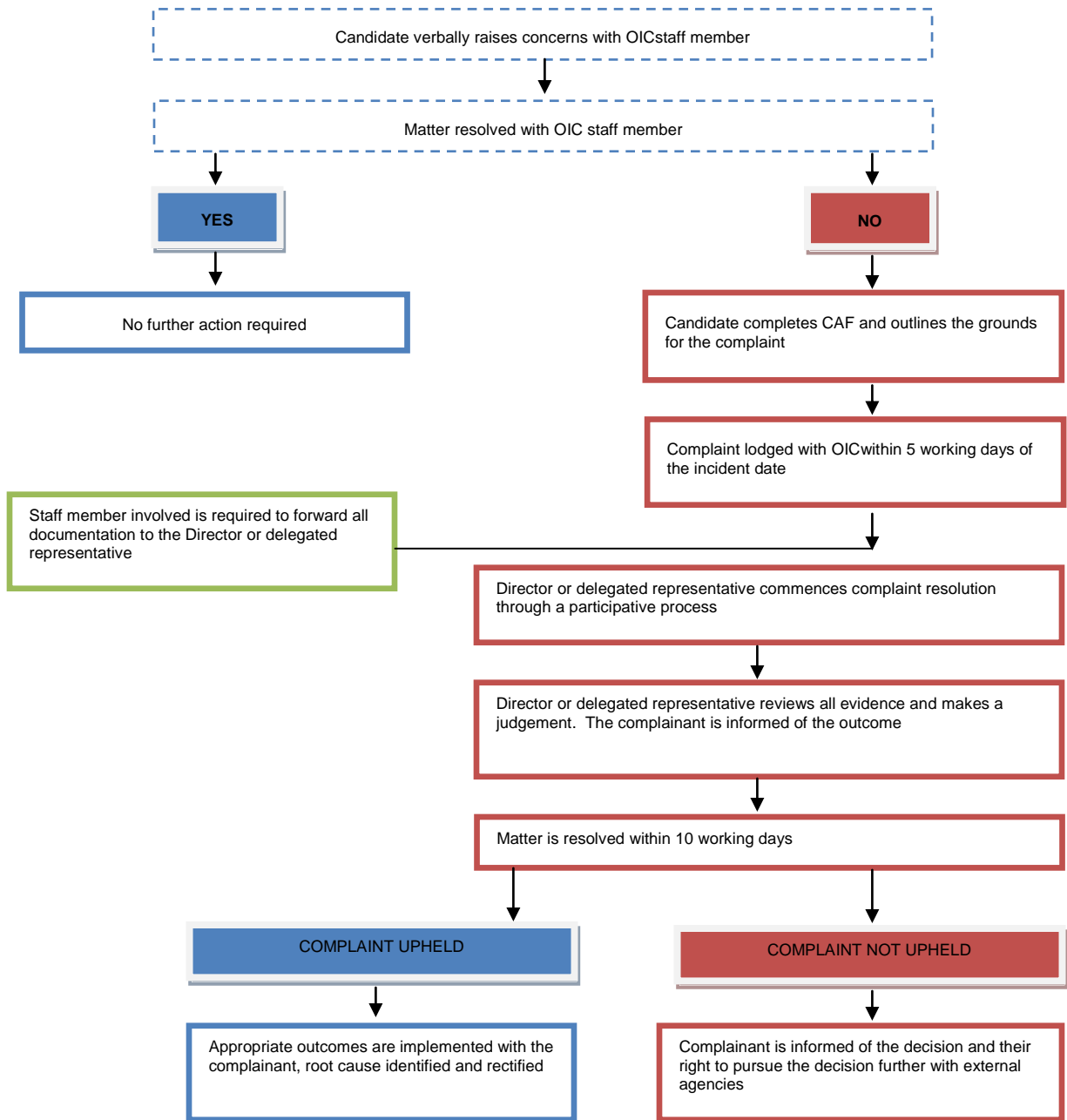
7. Actioning the Outcomes

Where the complaint or appeal is upheld, Orange International College will implement the required corrective action within 28 days and advise the student of the outcome.

8. Administration

All complaints and appeals will be discussed at Management Review Meetings for continuous improvement of the processes. All Complaints and Appeals are to be held on student file as per Records Management Policy and Procedure. Details concerning the scope of the Complaints and Appeals Policy are to be clearly displayed throughout the organization and on the OIC website.

9. ANNEX A: Complaints Process



10. ANNEX B: Appeals Process

