



Complaints and Appeals

Policy Version Details			
Version Identifier	Last Updated	Author	Approved By
v1.0 December 2016	10 December 2016	Training Manager	CEO

Please refer to the Policy Development and Review policy for details of the process for managing policy version details.

Statutory and regulatory compliance

- Standards for RTOs 2015
 - Clause 6.1 (a)(b)(c)
 - Clause 6.2
 - Clause 6.3
 - Clause 6.4
 - Clause 6.5
- Australian Privacy Principles
- National Code 2007
 - Part D Clause 7.5
 - Part D Standard 8

Related Policies

- Continuous Improvement
- Providing feedback to contributors to continuous improvement
- Assessment
- Assessment Processes
- Reasonable Adjustment
- Assessor Guides and Learner Guides
- Assessment Moderation
- Recognition of Prior Learning
- Compassionate or Compelling Circumstances
- Learner Support and Welfare Services
- Reviewing and Improving Learner Support and Welfare Services
- Student Code of Conduct
- Privacy
- Fees and Charges
- Refunds
- Ethical Marketing
- Applications, Offers and Enrolments
- Enrolment Offer and Acceptance Agreement
- Education Agents
- Welfare of Younger Students
- Transfer between Registered Providers



Complaints and Appeals Policy and Procedure

- Completion within Expected Duration
- Monitoring Course Progress
- Attendance
- Deferment, Suspension or Cancellation of Enrolment
- Plagiarism, Collusion and Cheating
- Information provided to applicants prior to enrolment
- Student Handbook
- OSAN Code of Practice
- OSAN Student code of Practice

Related Documents

- Complaint or appeal lodgement form
- Complaint or appeal resolution form
- Student complaint register
- Student appeal register
- Register of issues subject to complaints and appeals
- Complaints and appeals monthly summary report
- Complaint-appeal process feedback form

Policy

OSAN will take all complaints and appeals seriously. They will be resolved quickly and equitably, using the principles of natural justice. The procedures for complaints and appeals will be fair, objective and accessible.

The internal complaints and appeals processes will take place at no cost to the student who lodges the complaint or appeal. Any decision to be implemented as an outcome of a complaint or appeal (internal and/or external) which is in favour of the student who lodged it will be immediately implemented along with any preventative or corrective action required. The student will be advised immediately of a favourable outcome.

The complaints and appeals process is an important part of the OSAN continuous improvement process. The register of issues subject to complaints and appeals and the complaints and appeals monthly summary report will be considered at each meeting of the OSAN Management Committee.

Procedures

References and Compliance requirements

Complaints and appeals by students about actions or decisions made by OSAN will be considered in reference to and in compliance with the following:

- **OSAN code of practice**
- **OSAN Student code of practice**
- **Australian Privacy Principles**
- **RTO Standards 2015**
- **Education Services for Overseas Students Act 2000 (ESOS Act 2000)**



- **National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code 2007)**
- **Education Services for Overseas Students Regulations 2001**

Information about the complaints and appeals process

The Student Services Manager will inform students about the complaints and appeals policy and procedures during the orientation program on the first day of enrolment. The student handbook, supplied to students during the first day of enrolment, contains details of the complaints and appeals process.

Applicants for enrolment are provided with information about the complaints and appeals process in the pre-enrolment information with which they are supplied.

Students are provided with information about the complaints and appeals process at orientation and in the Student Handbook.

The CEO is responsible for ensuring that all management staff, student services staff, marketing staff and trainers and assessors at OSAN are aware of the policies and procedures for complaints and appeals. Provision of information about the OSAN complaints and appeals process is part is an important aspect of the induction process for new members of staff.

Informal resolution

Students who wish to make a complaint about an aspect of OSAN's service or appeal against a decision made by OSAN are encouraged to initially engage in informal discussion about the matter with the staff member or staff members involved. Students can, additionally or alternatively, discuss the matter with the Training Manager, Student Services Manager, or the CEO.

All staff involved in the discussion of an informal complaint or appeal are required to do their best to resolve the matter effectively and quickly in this way.

Lodging a complaint

If an issue about which a learner has complained informally cannot be resolved informally, students who wish to lodge a formal complaint will be requested to do so using the OSAN complaint or appeal lodgement form, available from the OSAN reception desk or from the Student Services Manager. Students should submit the form at the reception desk, properly signed and dated, and accompanied by all relevant supporting documentation. Supporting documentation should comprise original documents or certified copies of original documents.

Students will be provided with support in completing the complaint lodgement form. If requested or if it is deemed necessary by the Student Services Manager, a learner wishing to make a complaint will have the complaint lodgement form completed by a member of the OSAN student services staff.

Acknowledging the Lodging of a complaint

Each formal complaint lodged by a learner will be acknowledged in writing by a member of the student services staff designated by the Student Services Manager. The acknowledgement will be provided to the learner in person and sent as an attachment in an email to the learner. A hard copy of the acknowledgement will be posted to the learner's postal address.

The OSAN Complaints Register

Details of each complaint which is lodged are recorded in the OSAN complaints register and signed and dated by the staff member who accepted the complaint lodgement form. At this time a copy will be made of the complaint lodgement form and filed in the student's file. The original will be forwarded to the Student Services Manager.



Complaints and Appeals Policy and Procedure

The Student Services Manager is responsible for ensuring that all of these actions are completed within one working day of the lodgement of the complaint.

Acting on a complaint

The Student Services Manager will add the complaint as an agenda item for the next scheduled meeting of the OSAN Management Committee. As meetings of the OSAN Management Committee are scheduled fortnightly, the matter will be considered within the 10 working days of the lodgement of the complaint as required by Standard 8.1(e) of the National Code 2007.

Consideration of a complaint by the OSAN management committee

Complaints will be considered by the OSAN Management Committee, which comprises OSAN's CEO, Training Manager and Student Services Manager. Processing of the complaint may require one or more meetings of those involved. The objective of the process is to reach a determination.

The right to be accompanied by a support person during the complaints/appeals process

At any meeting to discuss a complaint, each involved party may be accompanied and assisted by a support person, according to the principles of natural justice.

What can a complaint be about?

A complaint can be about:

- any aspect of the service provided, or not provided by OSAN
- the behaviour or decisions of staff, or
- policies and/or procedures of OSAN
- any action by any relevant 3rd party

Lodging an appeal

If a student disagrees with a decision made by OSAN, the student may lodge a formal appeal. The appeal should be submitted at the OSAN reception desk using the OSAN complaint or appeal lodgement form. It must be lodged within twenty (20) working days of notification of the decision which is being appealed against. Notifications of decisions which are provided to students in writing will include a date from which the twenty (20) working days available to lodge an appeal applies. The date specified will allow for time for delivery to the student of the notification.

The OSAN Student Appeals Register

Details of an appeal are recorded in the OSAN appeals register and signed and dated by the staff member who accepted the lodgement form. At this time a copy will be made of the completed lodgement form and filed in the student's file. The original will be forwarded to the Student Services Manager.

The Student Services Manager is responsible for ensuring that all of these actions are completed within one working day of the lodgement of the appeal.

Acting on an appeal

The Student Services Manager will add an agenda item to the next scheduled meeting of the OSAN Management Committee. As meetings of the OSAN Management Committee are scheduled fortnightly, the matter will be considered within the 10 working days of the lodgement of the complaint as required by Standard 8.1(e) of the National Code 2007.

Consideration of an appeal by the OSAN Management Committee

Appeals against decisions will be considered by the OSAN Management Committee, which comprises OSAN's CEO, Training Manager and Student Services Manager. Processing of the appeal may require one or more meetings of those involved. The objective of the process is to reach a determination.



Complaints and Appeals Policy and Procedure

The right to be accompanied by a support person during the appeals process

At any meeting to discuss an appeal, each involved party may be accompanied and assisted by a support person, according to the principles of natural justice.

Corrective action in the case of an appeal which finds in the student's favour

The notification of the outcome of the appeal will include the reasons for the decision. If an appeal finds in a student's favour, corrective action may include restoration of the student's academic record.

What can an appeal be about?

An appeal can be about any decision made by OSAN which has an impact on a student.

Internal appeals about OSAN's intention to report the student to DIBP for breach of visa condition 8202 as a result of unsatisfactory course progress can be reviewed by an external reviewer (the Overseas Student Ombudsman).

Processing a complaint or appeal

OSAN management is committed to processing complaints and appeals effectively and efficiently, according to the following procedures.

Process begins within ten (10) working days of the formal lodgement of a complaint or appeal

The process of formal consideration of a complaint or appeal commences within ten (10) working days of the formal lodgement of the complaint or appeal. The formal lodgement of a complaint or appeal must be accompanied by all relevant documentation. All reasonable measures will be taken to finalise the process as soon as practicable.

Meeting of the OSAN Management Committee

The student who lodged the complaint or appeal and a support person will be invited to the meeting of the OSAN Management Committee which is considering the complaint or appeal. Any other parties involved in the complaint or appeal and their support persons will also be invited to the meeting.

Provision of relevant documentation

All parties involved in the complaint or appeal will be invited to provide relevant documentation as evidence to be considered by the OSAN Management Committee. Documentation provided must be original documents or certified copies of original documents.

Opportunity to formally present the case

The student making the complaint or appeal will be provided with the opportunity to formally present his or her case to the OSAN Management Committee.

Questioning

The student and all other parties in the complaint or appeal will be provided with the opportunity to ask questions and will be requested to provide answers to questions which are asked by members of the OSAN Management Committee.

Consideration by the Management Committee

After the student has presented his or her case, and questioning of and by the student and other parties involved is complete, the student and the student's support person, and all other parties involved in the complaint or appeal, along with their support persons, will be asked to leave the meeting and wait while the committee considers the evidence.



Complaints and Appeals Policy and Procedure

Verbal notification of the outcome

The student and the student's support person and all other parties involved in the complaint or appeal, along with their support persons, will be invited back to the meeting for verbal notification of the interim outcome. If the student accepts the verbal notification of the interim outcome, it will be formalised with a written statement of the outcome (described below).

Opportunity to request a second meeting

After verbal notification of the interim outcome of the complaint or appeal, the student making the complaint or appeal may request the opportunity for a second meeting at which additional evidence may be presented. The student should make this request as soon as practicable, but no later than five (5) working days after the initial meeting. The student should make the request in person to the Student Services Manager. If an additional meeting is requested, it will be agreed to, and scheduled for a date and time suitable for the student, all other parties involved, and the OSAN Management Committee. The date for which the additional meeting is scheduled must be such that the complaints/appeal process can be finalised as soon as practicable.

Procedure for a second meeting

The procedure for the conduct of the second meeting of the OSAN Management Committee to consider the additional evidence will be the same as that for the initial meeting, except that the student will not have the opportunity to request an additional meeting following the second meeting. The student will, however, be able to invoke an external complaint or appeal handling process (see below).

Timeframe for resolving a complaint or appeal

Each formal complaint or appeal will be resolved as soon as practicable. If a complaint or appeal is not finalised within 60 calendar days, the complainant or appellant will be informed of why that is the case and provided with an update every five days thereafter.

Notification of the outcome of a complaint or appeal

Each learner making a complaint or appeal is given a written statement of the outcome, including details of the reasons for the outcome. The form entitled "*complaint or appeal resolution form*" is used for this purpose.

Notification of the outcome of an appeal

In the case of an appeal, the document notifying the student of the outcome will summarise the information provided by the student during appeal process, why particular information was or was not taken into consideration, how much weight was given to the supporting documents and why it did or did not meet the grounds of appeal.

Complaint or appeal resolution form

The complaint or appeal resolution form will be emailed to the learner and posted to the learner at the address supplied on the complaint or appeal lodgement form. The form will be accompanied by a letter which provides a date after which the student has twenty days to appeal the outcome of the complaint or appeal. The letter informs the student that an appeal against a decision made regarding an appeal can only be made if new or additional evidence is supplied.

Appealing against OSAN's intention to defer, suspend or cancel enrolment

In the case of international students, a notice of intention to defer, suspend or cancel enrolment and report to DIBP will clearly identify that the student receiving the notice will be given 20 working days to access OSAN's internal complaints and appeals process. The 20 working days begins from a date specified in the letter which allows for reasonable time for delivery of the letter. Notices of intention to defer, suspend, or cancel enrolment are sent by registered mail to the address on the student's file



Complaints and Appeals Policy and Procedure

and by email to the email address on the student's file. Registered post-delivery confirmation and email read delivery is requested.

If no appeal is received, then the Student Services Manager is responsible for contacting the student on the 19th working day following the date specified in the letter in order to provide the student with a final opportunity to lodge an internal appeal. Contact will be made by telephone and email.

For more information, please refer to the OSAN Deferment, suspension and cancellation policy.

Appealing against OSAN's intention to report to DIBP for not meeting satisfactory course progress requirements

A student has 20 working days to appeal the decision to report to DIBP for not meeting satisfactory course progress requirements. The 20 working days begins from a date specified in the letter informing the student of OSAN's intention to report which allows for reasonable time for delivery of the letter. Notices of intention to report to DIBP for not meeting satisfactory course progress requirements are sent by registered mail to the address on the student's file and by email to the email address on the student's file. Registered post-delivery confirmation and email read delivery is requested.

If no appeal is received, then the Student Services Manager is responsible for contacting the student on the 19th working day following the date specified in the letter in order to provide the student with a final opportunity to lodge an internal appeal. Contact will be made by telephone and email.

For more information, please refer to the OSAN Monitoring course progress policy.

Appealing an appeal

An appeal of a decision about an appeal can be made only if the student is able to provide new evidence in relation to the original decision which was appealed.

Information provided by OSAN in the complaint or appeal resolution form

The response provided to complainants and/or appellants will include information regarding

- reasons for any decisions made
- any changes that have resulted from the complaint or appeal
- an apology where appropriate
- information on where to seek an independent review
- acknowledgement of thanks to the complainant for their feedback.

Maintaining enrolment during the complaints and appeals process

While any internal complaint or appeal is ongoing, OSAN will maintain the enrolment of the student.

OSAN will maintain the student's enrolment during an external appeals process if the appeal is against OSAN's decision to report the student for unsatisfactory course progress. That is, for an appeal against a decision to report the student for unsatisfactory course progress, OSAN will await the outcome of the external process before proceeding, as reporting for unsatisfactory course progress may result in automatic visa suspension.

If the external appeal is against OSAN's decision to defer or suspend a student's enrolment due to misbehaviour, or to cancel the student's enrolment, OSAN will await only the outcome of the internal appeals process (if it is in support of OSAN's decision) before notifying DOE through PRISMS of the change to the student's enrolment. Once DOE has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:

- leave Australia, or
- show DIBP a new CoE, or



Complaints and Appeals Policy and Procedure

- provide DIBP with evidence that he or she has accessed an external appeals process

Collection of data about complaints and appeals

A systematic record of complaints and appeals and their outcomes is maintained to enable OSAN to monitor the progress of complaints and appeals and to identify issues about which there are repeated complaints or appeals. OSAN will ensure that enough detail about each complaint or appeal is captured to allow an appropriate level of analysis. Information about complaints is recorded in the student complaints register and information about appeals is recorded in the student appeals register.

Register of issues subject to complaints and appeals

Information about each issue subject to complaints and appeals is recorded in the register of issues subject to complaints and appeals. This register will contain information about the issue, the parties involved, and the resolution. There is provision in the register for multiple entries for each issue.

Ensuring the currency of the complaints, appeals and issues registers

The Student Services Manager is responsible for ensuring that the complaints, appeals and issues registers are current. All three registers are considered at each meeting of the OSAN Management Committee and form an important part of OSAN's continuous improvement program.

Improving policies and procedures in response to complaints or appeals

Recommendations of actions to be taken in response to complaints or appeals are recorded in the minutes of the OSAN management meetings. The CEO will issue instructions for actions to be taken to improve policies and procedures in response to the recommendations of the OSAN Management Committee.

Policies and procedures improvement register

Information about all improvements to policies and procedures is recorded in the policies and procedures improvement register. Improvements resulting from responses to complaints or appeals are identified as such. Please refer to the Policy Development and Review policy for details.

Systemic and recurring problems

Systemic problems are defined as being caused by failures in the course structure, delivery and assessment systems or organisational policies or procedures. Complaints or appeals will be categorised so that systemic and recurring problems can be identified and rectified. This information is available from the register of issues subject to complaints and appeals.

Complaints and appeals monthly summary report

The Student Services Manager is responsible for producing a monthly summary report of complaints and appeals for consideration by the OSAN Management Committee.

Information about complaint or appeals management will include:

- number of complaint or appeals received
- amount of time taken to resolve the complaint or appeals
- service improvements made as a result of the complaint or appeals received.

External reviews by an appropriate independent party

Mechanisms are available to students for independent reviews of decisions made by OSAN. Please refer to the following section in this manual ("Independent Reviews").

