

## Complaints and Appeals Policy and Procedure

### 1. Policy

This Policy and Procedure is primarily in line with Standard 10 'National Code of Practice for Providers of Education & Training to Overseas Students 2018' and Standard 6 'Standards for Registered Training Organisations' (RTOs 2015).

### 2. Purpose

The purpose of this policy and procedure is to outline systematic and professional approach to manage dissatisfaction, formal complaints and appeals in a fair, effective, transparent and confidential manner.

### 3. Scope

This policy applies to all students who are currently enrolled or intending to enrol with VTI and includes complaints and appeals (but not limited to) involving VTI, VTI's staff, education agents, another student/s studying at VTI and any other external stakeholders that engage with international students during their enrolment with VTI.

### 4. Definitions

**Complainant:** A person lodging a complaint

**Appellant:** A person lodging an appeal

**Respondent:** A person responding to a complaint or an appeal

**Appeal:** A request to review an adverse decision or an unfavourable outcome that may have arisen from any administrative, academic or disciplinary processes. An Appeal may be an Internal Appeal or an External Appeal.

**Internal Appeal:** An appeal against a decision where the appeal is brought under VTI's policies and code of conduct or where there is a process for appeal within VTI's policies and procedures.

**External Appeal:** An appeal to an external agency against a final decision made by VTI. Agencies may include the Victorian Ombudsman, the Privacy Commissioner, the Victorian Equal Opportunity and Human Rights Commissions or Department of Education (In relation to ESOS Act).

**Compassionate or Compelling Circumstances:** Circumstances generally beyond the control of the student and they have an impact on the student's capacity and/or ability to progress through a course. These could include but not limited to:

- Serious illness or injury, where a medical certificate states that the student was unable to attend classes
- Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
- Major political upheaval or natural disaster in the home country requiring their emergency travel and this has impacted their studies

A traumatic experience which could include but is not limited to:

- Involvement in or witnessing of an accident or
- A crime committed against the student or
- The student has been a witness to a crime, and this has impacted the student (these cases should be supported by police or psychologists' reports)

## 5. Requirements and Policy Statement

5.1 VTI will provide overseas students with information about VTI's policy and process for the internal complaints handling and appeals process that is comprehensive, free and easily accessible on VTI's website, Student Handbook, on campus and will be thoroughly discussed during orientation session.

5.2 VTI will ensure that the manner in which it conducts a review of a complaint or appeal will:

- ensure that the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
- ensure that all complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable

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

- informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required
- regularly update the complainant or appellant on the progress of the matter

5.4 Once the outcome of the complaint or appeal has been finalised, VTI will identify the cause/s of complaint or appeal and will take appropriate corrective action/s to eliminate or mitigate the likelihood of re-occurrence.

5.5 Throughout all stages of the complaint and appeal process, VTI will securely maintain all records relating to the complaint or appeal and their outcomes in a Complaint and Appeal Register. Record for complaints and appeals will be stored in a secured location (locked) within the campus and can only accessed on a need to know basis by authorised staff only.

5.6 All students, staff are to be informed of the complaint and appeal resolution process.

5.7 Internal appeal must be lodged within 20 working days from the date of issuance of decision.

5.8 External appeal must be lodged within 20 working days from the date of outcome of internal appeal process.

## 6. Procedure

VTI outlines the stage wise procedure to handle complaints and appeals as below:

### Stage1: Informal Complaint Resolution

Where possible all non-formal attempts will be made to resolve the complaint, this may include advice, discussions, and general mediation in relation to the issue. Any staff can be involved in this informal process to resolve issues but once a student and/or staff member has placed a formal complaint / appeal the following procedures must be followed.

### Stage 2: Formal Complaints Resolution

- To lodge a formal complaint, Complaints and Appeals Form (by ticking the complaint box) available at VTI Reception and Website <https://www.vocationalinstitute.com.au/> must be filed, or a letter in writing (by email or post) must be submitted that identifies the complainant, the respondent (if applicable) and the nature of complaint.
- The complainant must attach any supporting documents or information with the complaint form or letter.

- The complaint form or letter must be lodged with the Compliance Manager addressed as follows:

Compliance Manager  
Vocational Training Institute  
Level 3, 190 Queen Street, Melbourne VIC 3000  
Email: [operations@vocationalinstitute.com.au](mailto:operations@vocationalinstitute.com.au)

- If your complaint concerns the Compliance Manager, please lodge your complaint form or letter with the CEO instead, addressed as follows:

CEO  
Vocational Training Institute  
Level 3, 190 Queen Street, Melbourne VIC 3000  
Email: [parminder@vocationalinstitute.com.au](mailto:parminder@vocationalinstitute.com.au)

- All the complaints and appeals are submitted to the Compliance Manager or with Administration Staff, who has the responsibility to record the complaint in the first instance in the 'Complaints and Appeals Register'.
- Once a complaint has been filed and entered in the 'Complaints and Appeals Register' the Compliance Manager will send an acknowledgement of the complaint to the complainant and notify them to provide any further documentation related to the matter (if required).
- Compliance Manager will then assess the nature of complaint and assign a priority based on the urgency of the issue.
- The Compliance Manager will consider the formal complaint within 10 working days by reviewing, clarifying, investigating and discussing the matter with other relevant staff and all documentation provided by the complainant. The complainant will be given all opportunities to respond.
- Complainants and/or appellants may be assisted or assisted or accompanied by a support person regardless of the nature of the complaint.
- Once a decision has been reached, the Compliance Manager will be required to inform all parties involved of any decisions or outcomes that are concluded in writing.
- Complaints and Appeals Register will then updated by Compliance Manager and copies of all documentation, outcomes and further action required will be placed in student's file (where applicable).
- In the case of staff and client complaints, the process will be managed by CEO, whose responsibility is to ensure a similar process to student/staff complaints is followed.
- Within the notification of the outcome of the formal complaint, the complainant (the students and/or staff) will also be notified that they have the right of appeal the decision.
- If complainant is dissatisfied with the outcome of the formal complaint process, they may initiate an internal appeal process by completing the Complaints and Appeals form, this time ticking on the appeals box.
- Complaints will be treated confidentially and the identity of the complainant will be kept confidential.

- All the parties involved in the issue will be treated with respect and will not be victimised or discriminated against during the process.

### **Internal Appeals -Formal Appeals**

- All students/staff have the right to appeal decisions made by VTI where reasonable grounds can be established. The areas in which a student may appeal a decision made by VTI may include but not limited to:

- Assessments conducted
- Reported breaches of academic progress, misbehaviour or fee payment requirements
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
- Workplace issues
- Or any other conclusion that is made after a complaint has been dealt with by VTI in the first instance for staff or student.

- To activate the appeals process the student/staff is to complete a Complaints and Appeals Form (this time ticking on the appeals box) which will include a summary of the grounds the appeal is based upon. The reason the student/staff feels the decision is unfair is to be clearly explained.

- Help and support with this process can be obtained from Administration or Reception Staff.

- All appeals are submitted to the Compliance Manager or at Administration Staff, who has the responsibility to record the appeal in the first instance in the Complaints and Appeals Register.

- The Compliance Manager will organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.

- The process for all formally lodged internal appeals will be commenced within 10 working days of the appeal being lodged.

- Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed.

- Appeals lodged by staff and clients will be managed by the Compliance Manager, in accordance with the above processes.

### **Assessment Appeals**

- Where a student wishes to appeal an assessment decision, they are required to notify their Trainer and Assessor in the first instance. Where appropriate the Trainer and Assessor may decide to reassess the student to ensure a fair and equitable decision is gained.

- If this is still not to the student's satisfaction the student can formally lodge an appeal, outlining their reasons for the appeal. Above formal appeal process to be applied.

- The Compliance Manager will be notified and seek details from the Trainer and Assessor involved and any other relevant parties. A decision will be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment or involve a 'third party'. The third party will be another Trainer and Assessor appointed by VTI.

- The student will be then notified in writing of the outcome and the Complaints and Appeals Register will be updated.

### **Appealing Decisions to Report Breach of Academic, Misbehaviour or Fee Payment Requirements**

- Where a student wishes to appeal the decision of VTI to notify Department of Home Affairs of a breach of general, fees, academic requirements the student can lodge appeal via Complaints and Appeals Form (ticking on the appeals box). The student should have compelling and compassionate circumstances as to why they have breached their requirements and must be able to provide evidence of these circumstances.
- Above formal appeal process to be applied.
- The student will be notified in writing of the outcome and the Complaints and Appeals Register will be updated.
- Where a student has decided to access the appeals process in relation to a reportable breach, VTI will not report the breach via PRISMS until the appeals process has been finalised. VTI will maintain student enrolment as current and student must meet all the obligations as per their course and visa requirements.

### **Appealing Deferrals, Suspension or Cancellation of Enrolment Decisions**

- Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment they are required to lodge appeal via Complaints and Appeals Form (ticking on the appeals box), outlining the details of their appeal. Students should have compelling and compassionate circumstances as to why the decision should be reviewed and any supporting documentation supporting their appeal.
- Above formal appeal process to be applied.
- The Compliance Manager will seek the details regarding the initial documentation of the decision and will decide based on the grounds of the appeal.
- The student will be notified in writing of the outcome and the Complaints and Appeals Register will be updated.
- Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, VTI will not update the student's status via PRISMS until the appeals process is completed. VTI will maintain student enrolment as current and student must meet all obligations as per their course and visa requirements.

### **Stage 3 – External Appeals**

- If complainant or appellant is exhausted with the above mentioned internal complaints processes and procedures and the dispute is unresolved and they feel dissatisfied with the outcome of the dispute, they may wish to raise their complaint with the Office of the Commonwealth Ombudsman ("Commonwealth Ombudsman").
- The complainant or appellant has an opportunity to formally present his or her case at no cost to him or herself.
- The contact details of the Commonwealth Ombudsman are as follows:

**Online:** A student can make a complaint online by visiting the website of Ombudsman and completing the online complaint form at <https://www.ombudsman.gov.au/>.

**Telephone:** Students can contact Ombudsman by telephone, 9am to 5pm Monday to Friday, Australian Eastern Standard Time (AEST). In Australia, call: 1300 362 072 (calls from mobile phones at mobile phone rates). Outside Australia, call +61 2 6276 0111

**Mail:** Students can write a letter and post it to: Overseas Students Ombudsman GPO Box 442 Canberra ACT-2601 Australia.

- Students may choose to contact the Department of Education and Training:

**Mail:** Students can write a letter and post it to: Department of Education GPO Box 9880 Canberra ACT 2601 Australia.

**Website:** <http://education.gov.au/contact-department>

- Where a decision or outcome is in favour of the student, VTI will follow the required action/s to satisfy the student's complaint immediately and implement the appropriate corrective action/s to eliminate or mitigate the likelihood of re-occurrence.
- Where a decision or outcome is in favour of VTI, complainant can also seek other legal redress through the usual court processes if felt dissatisfied and must bear the costs of initiating or defending any legal proceedings.
- Nothing in this policy and procedure limits the rights of individuals to act Australian Consumer Protection Laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

## 7. Responsibility

Administration Staff, Compliance Manager and CEO has responsibility for the effective implementation of this policy and procedure.

## 8. Related Documents

Few related documents to this policy are:

- Complaints and Appeals Form
- Complaints and Appeals Register