

Complaints and Appeals Policy and Procedures

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Policy

1. This policy is to support the Standards for Registered Training Organisations (RTOs) 2015 – Standard 6 and Standard 10 of the ESOS National Code 2018, where Australian Centre of Further Education will provide a fair and transparent means of making formal complaints and appealing academic and related decisions is an integral part of all training an assessment provided to students.
2. Australian Centre of Further Education has and implements this documented internal complaints handling and appeals process and policy, and provides the overseas and domestic student with comprehensive, free and easily accessible information about that process and policy.
3. Australian Centre of Further Education ensures that complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.
4. This policy will manage and respond to complaints involving Australian Centre of Further Education, its trainers, assessors or other staff, students and third parties providing services on behalf of Australian Centre of Further Education including the third parties' staff.
5. This policy will also manage the requests for reviews of decisions, including assessment decisions made by Australian Centre of Further Education or third party arrangements if applicable.
6. Australian Centre of Further Education's Complaint and Appeals Policy and Procedures:
 - a. ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
 - b. are publicly available
 - c. set out the procedure for making a complaint or requesting an appeal
 - d. ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable
 - e. provide for review by an appropriate party independent of Australian Centre of Further Education 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.
7. Australian Centre of Further Education's internal complaints handling and appeals processes must:
 - a. include a process for the student to lodge a formal complaint or appeal if a matter cannot be resolved informally
 - b. include that Australian Centre of Further Education will respond to any complaint or appeal the student makes regarding his or her dealings with Australian Centre of Further Education, Australian Centre of Further Education's education agents or any related party Australian Centre of Further Education has an arrangement with to deliver the student's courses or related services if applicable

- c. commence assessment of the complaint or appeal within 10 working days of it being made in accordance with Australian Centre of Further Education's complaints handling and appeals policy and process, and finalise the outcome as soon as practicable
 - d. ensure the student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings
 - e. conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
 - f. ensure the student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
 - g. keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.
8. If the student is not successful in Australian Centre of Further Education's internal complaints handling and appeals process, Australian Centre of Further Education must advise the student within 10 working days of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at minimal or no cost. Australian Centre of Further Education must give the overseas student the contact details of the appropriate complaints handling and external appeals body.
 9. If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the student, Australian Centre of Further Education must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action.
 10. Where Australian Centre of Further Education considers more than 60 calendar days are required to process and finalise the complaint, Australian Centre of Further Education will:
 - a. Inform the complainant in writing as to why more than 60 calendar days are required and
 - b. Regularly update the complainant on the progress of the matter
 11. Australian Centre of Further Education:
 - a. Securely maintains records of all complaints and appeals and their outcomes
 - b. Identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
 12. Australian Centre of Further Education also recognises that student complaints can be anonymous. However, to be able to solve complaints in a timely manner, complainants should specify their details.
 13. Australian Centre of Further Education has arrangements in place for a person or body independent of and external to Australian Centre of Further Education to hear complaints or appeals arising from Australian Centre of Further Education's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
 14. If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, Australian Centre of Further Education will advise the student of his or her right to access the external appeals process at no cost.
 15. If the student chooses to access Australian Centre of Further Education's Complaint and Appeals processes, Australian Centre of Further Education must maintain the student's enrolment while the complaints and appeals process is ongoing.
 16. If the internal or external complaint handling or appeal process results in a decision that supports the student, Australian Centre of Further Education will immediately implement any decision and/ or corrective and preventative action required and advise the student of the outcome.
 17. This policy will ensure that if there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action, this will be reported to Australian Centre of Further Education's management meeting, managed and implemented as part of Australian Centre of Further Education's continuous improvement process to take corrective action to eliminate or mitigate the likelihood of reoccurrence. This will all be noted on Australian Centre of Further Education's Continuous Improvement Register.
 18. This policy applies to Australian Centre of Further Education's students and staff.
 19. The CEO is responsible for implementation of this policy and ensuring that staff, third parties providing services on Australian Centre of Further Education's behalf, and students are made aware of its application and the procedures for complaints and appeals.

Procedures

Requirements

1. Students who are concerned about the conduct of Australian Centre of Further Education, its trainers, assessors or other staff, students and third parties providing services on behalf of Australian Centre of Further Education are encouraged to attempt to resolve their concerns using this policy and procedures.
2. This policy and procedures will be implemented at no cost to the student.
3. The procedures will commence within 10 working days of the formal lodgement of the complaint or appeal and supporting documentation.
4. All prospective students will be provided with information about the Complaints and Appeals policy and procedures before making an agreement to enrol.
5. All Complaints and Appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties. This includes any anonymous complaints.
6. Students will be provided with details of external authorities they may approach, if required
7. At any stage in the internal Complaints or Appeals process students are entitled to have their own nominee to accompany or represent them. The nominee can be a friend, relative, another student, student union representative, legal adviser, solicitor or any other person according to student's wish. But a nominee cannot be the employee of Australian Centre of Further Education who is involved in the complaint / appeal or person dealing with the complaint/ appeal.
8. Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
9. For internal Complaints and Appeals:
 - The student will have an opportunity to formally present their case, in writing or in person at no cost to the student
 - The Student will need to complete and submit a Complaints and Appeals Application form
 - The student may be accompanied and assisted by a support person at any relevant meetings
 - Complaints and requests for Appeals will be acknowledged by Australian Centre of Further Education in writing within 10 working days of receiving a Complaints and Appeals Application Form
 - At the conclusion of the Complaint or Appeal the student will be given written advice of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed and securely maintained in the student file, as well as registered on Australian Centre of Further Education's Complaints and Appeals Register
 - Australian Centre of Further Education will aim to identify causes of complaints and appeals and take corrective action to eliminate or mitigate the likelihood of these reoccurring
10. For International students, the following matters must be lodged as formal internal appeals within 20 working days of notification of an intention to report the student to the ESOS Agency and Department of Home Affairs in order to be considered by Australian Centre of Further Education:
 - Deferral of commencement, suspension or cancelling a student enrolment
 - Unsatisfactory course progress
 - Unsatisfactory attendance
11. A student's enrolment must be maintained whilst a Complaint or Appeal is in progress and the outcome has not been determined except in cases where Australian Centre of Further Education is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment.
12. For International students: in cases where Australian Centre of Further Education is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment Australian Centre of Further Education only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the ESOS Agency and Department of Home Affairs through PRISMS of the change to the student's enrolment.
13. Extenuating circumstances relating to the welfare of the student must be supported by appropriate evidence and may include, but are not limited to the student:
 - having medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;

- having engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
 - being at risk of committing a criminal offence.
14. If the internal or external complaint handling or appeal process results in a decision that supports the student, Australian Centre of Further Education will immediately implement any decision and/ or corrective and preventative action required and advise the student of the outcome.
 15. Australian Centre of Further Education will encourage the student to approach a Complaint or Appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, Australian Centre of Further Education acknowledges the need for an appropriate external and independent agent to review the process implemented by Australian Centre of Further Education.
 16. If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported to Australian Centre of Further Education's management meeting, managed and implemented as part of Australian Centre of Further Education's continuous improvement process to take corrective action to eliminate or mitigate the likelihood of reoccurrence.
 17. Nothing in the procedures inhibits student's rights to pursue other legal remedies to be reviewed by an appropriate party independent of Australian Centre of Further Education. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to contact a solicitor.
 18. Australian Centre of Further Education will ensure all records of formal discussions conducted under this policy and procedures and their outcomes will be confidentially and securely maintained in the student's file.

Method – Complaints Procedure Informal Complaint Process

1. Any student with a question or complaint may raise the matter with staff of Australian Centre of Further Education and attempt an informal resolution of the question or complaint.
2. Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless Australian Centre of Further Education staff member involved determines that the issue question or complaint was relevant to the wider operation of Australian Centre of Further Education.
3. Students who are not satisfied with the outcome of the question or complaint are encouraged to lodge a formal complaint.
4. A student can lodge a formal complaint by filling out Australian Centre of Further Education's Complaints and Appeals Form.

Formal Complaint Process

1. Students who are not satisfied with the outcome of the informal complaint process, or, who want to lodge a formal complaint may do so within 20 working days after the date of the event that causes a complaint. To lodge a formal complaint a student must complete a Complaints and Appeals Form and submit to Australian Centre of Further Education Receptionist or send via email to the Student Support Officer sso@acfe.edu.au.
2. On receipt of the complaint, the Student Support Officer sends a Complaint/Appeal Acknowledgement Letter via email to the complainant within 3 working days to acknowledge the receipt of the formal complaint.
3. The complaint will be directed to the Complaints and Appeals Committee for further action. Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face to face, the complainant may be accompanied by a support person.
4. At the stage of the Complaint meeting, the complaint must be recorded in writing and signed and dated by the complainant and the CEO or a delegate.
5. The CEO or a delegate will then attempt to resolve the complaint with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint being lodged in writing.
6. A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.

7. At the end of the resolution phase the Compliance Manager will report Australian Centre of Further Education's decision to the student. Australian Centre of Further Education's decision and reasons for the decision will be documented, as well as registered on Australian Centre of Further Education's Complaints and Appeals Register.
8. Where Australian Centre of Further Education considers more than 60 calendar days are required to process and finalise the complaint, Australian Centre of Further Education will:
 - Inform the complainant in writing as to why more than 60 calendar days are required and
 - Regularly update the complainant on the progress of the matter
9. Following the resolution phase, Australian Centre of Further Education will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint.
10. If the internal complaint handling results in a decision that supports the student, Australian Centre of Further Education will immediately implement any decision and/ or corrective and preventative action required and advise the student of the outcome.
11. If a student is dissatisfied with the outcome of the formal complaint process, then they may lodge an internal appeals process by completing the Complaints and Appeals Form within 20 days of outcome of 'Formal Complaint'.

Method – Appeals Procedure

Internal Appeal Process

1. Internal 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 a student to reconsider a decision made by Australian Centre of Further Education. For academic appeals, please refer to Academic Appeals Policy and Procedures.
2. A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
3. The appeals process is initiated by a student completing the Complaints and Appeals Form available from Student Services or via the website.
4. The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
5. A maximum time of 20 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.
6. After a student makes an internal appeal, Australian Centre of Further Education will appoint a person or body to hear the appeal and propose a final resolution. This person or body must not be the same as any person or body that heard the original complaint.
7. The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and Australian Centre of Further Education and placed in the student file, as well as registered on Australian Centre of Further Education's Complaints and Appeals Register.
8. If the internal appeal process results in a decision that supports the student, Australian Centre of Further Education will immediately implement any decision and/ or corrective and preventative action required and advise the student of the outcome.
9. Following the internal appeals phase, Australian Centre of Further Education will implement the decision as conveyed to the student and undertake any improvement actions arising from the appeal.
10. There are no further avenues within Australian Centre of Further Education for complaints or appeals after the internal appeals process has been completed; however, an external appeals process is available.
11. Where Australian Centre of Further Education considers more than 60 calendar days are required to process and finalise the appeal, Australian Centre of Further Education will:
 - Inform the appellant in writing as to why more than 60 calendar days are required and
 - Regularly update the appellant on the progress of the matter

External Appeal Process

1. If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, Australian Centre of Further Education advises the student that he/she has the right to

access the external appeals process. Where this is the case, the matter shall be referred to the external independent / third party mediator at no cost to the student.

2. The purpose of the external appeals process is to consider whether Australian Centre of Further Education has followed its student complaint and appeals procedure, not to make a decision in place of Australian Centre of Further Education. For example, if a student appeals against his or her subject results and goes through Australian Centre of Further Education internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.
3. A student may seek assistance from a formal external authority within 10 working days if they are not satisfied with the decision reached. Australian Centre of Further Education supports the following external independent providers for this mediation service at no cost to the students:
 - International Students on a student visa/ Other Temporary Visa Holders:
 The Overseas Student Ombudsman Phone: 1300 362 072
 Email: ombudsman@ombudsman.gov.au Web: www.oso.gov.au
 Address: GPO Box 442, Canberra, ACT 2601
 - Domestic Australian Students:
 Victorian Ombudsman Phone: 03 9613 6222
 Web: <https://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint>
 Address: Level 2, 570 Bourke Street, Melbourne VIC 3000

Note: That the Australian Skills Quality Authority (ASQA) is not able to act as the Independent third party for reviewing complaints. ASQA is not a consumer protection agency and cannot act as an advocate for individual students.

4. The external appeals procedure will be determined by the independent mediator.
5. If the external appeal process results in a decision that supports the student, Australian Centre of Further Education will immediately implement any decision and/ or corrective and preventative action required and advise the student of the outcome.
6. Following the receipt of the outcome of the external appeal Australian Centre of Further Education must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint.
7. If an appeal is against an Australian Centre of Further Education decision to report the student for unsatisfactory course progress or unsatisfactory attendance (for international students) Australian Centre of Further Education must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or unsatisfactory attendance) until the external appeals process is complete and has supported Australian Centre of Further Education's decision to report.
8. For International students, if an appeal is against an Australian Centre of Further Education decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment Australian Centre of Further Education only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the ESOS Agency and Department of Home Affairs through PRISMS of the change to the student's enrolment.

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