POLICY: COMPLAINTS AND APPEALS

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<tr>
<th>CRICOS Ref:</th>
<th>Standard No: 8</th>
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<td>NVR Ref:</td>
<td>SNR 16</td>
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Policy Statement

This Policy and Procedure supports ‘Standard 8 – Complaints and Appeals’ of the ‘National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2007’.

The College seeks to continuously provide a high quality education and training environment that is safe, fair and free from discrimination, in which all are encouraged to strive for excellence and fulfil their potential. It is committed to implementing effective complaint resolution procedures that, where possible, are managed quickly, at the local level and with a minimum number of people involved. The resolution process will focus on a rapid re-establishment of good educational working relationships and positive outcomes.

An essential part of developing that environment is ensuring that staff and students are encouraged to come forward with their complaints in the knowledge that the responsible staff member will take prompt and effective action to address complaints.

Complaints and appeals that are not addressed have the potential to grow into major problems that can cause tension, low morale and reduced learning and academic achievement. Unresolved or poorly handled complaints can also lead to legal action against the College.

The procedures aim to avoid blame and undue investigation. This policy applies to all students undertaking training in courses offered by the College as well as College staff and clients. All parties have the right to be accompanied and assisted by a support person in every relevant meeting they attend.

This policy applies to all complaints requiring resolution except those covered under Equal Opportunity or Access and Equity.

In handling a complaint, whether formal or informal, confidentiality will be maintained to:

- Protect all parties involved in a complaint under the principles of natural justice
- Prevent the possibility of a defamation or other legal action
- Involve the minimum number of people possible

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

Despite all efforts of the College to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. The following procedures provide students the opportunity to have complaints resolved and resolutions reached.

Each complainant or appellant has an opportunity to formally present him or her case at minimal or no cost to him or herself.
The Complaints and Appeals process does not remove the right of the appellant to take action under Australia’s Consumer Protection Laws.

**Policy: COMPLAINTS AND APPEALS (cont)**

<table>
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<tr>
<th><strong>Objectives</strong></th>
<th>The objectives of this policy are to:</th>
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<td>• Develop a procedure for lodging an appeal against a decision made by the College’s Management in a complaints dispute</td>
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<td>• Develop a procedure for lodging an appeal against an assessment result</td>
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<td>• Assist clients and students with access to an appeal procedure and ensuring that appeal system is accessible and not unduly complex</td>
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<td>• Allow students access to an independent assessment review by an outside body with appropriate qualifications should the need arise.</td>
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**Implementation**

The Complaints and Appeals Policy will be implemented through the Quality System and follow and be subsequently audited as a Procedure – Complaints and Appeals.

**Scope**

The following Procedure applies to all complaints and appeals of staff members and enrolled students. The complaint may be against another student/s and/or staff member/s. In certain circumstances, this Procedure may be used to deal with a complaint against a person who is not an employee or student, but who is involved in a training related activity.

A Complaints and Appeals Flow Chart (Appendix A) outlines the 3 stages of the Complaints and Appeals process.

**PROCEDURE: COMPLAINTS AND APPEALS**

<table>
<thead>
<tr>
<th>Action / Method</th>
<th>STAGE 1 – Informal Complaint Resolution</th>
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<td>Where possible all non-formal attempts shall be made to resolve the complaint, this may include advice, discussions, and general mediation in relation to the issue and the student’s complaint. Any staff can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal the following procedures must be followed.</td>
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**STAGE 2 – Formal Complaints and Appeals Resolution**

• All complaints and appeals are submitted to the Campus Manager, who has the responsibility to record the complaint in the first instance in the ‘Complaints Register’. Complaints are to include the following information:
  - Submission date of complaint
- Name of complainant;
- Nature of complaint;
- Date of the event which lead to the complaint
- Attachments (if applicable);

The complaint is entered into the ‘Complaints Register’ by the Administration Office in the following format, and is monitored and updated by the Operations Officer on a regular basis:
- Submission date of complaint
- Name of complainant;
- Description of complaint / appeal
- Determined Resolution; and
- Date of Resolution.

### Action / Method

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<tr>
<th><strong>STAGE 2 – Formal Complaints and Appeals Resolution</strong> (cont)</th>
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<tr>
<td>• In the case of a student, once a complaint has been filed and logged in the ‘Complaints and Appeals Register’ the Operations Officer shall notify the Campus Manager of the complaint and provide any further documentation related to the matter.</td>
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<td>• Complainants and/or appellants may be assisted or accompanied by Student Support Officer at all meetings regardless of the nature of the complaint.</td>
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<tr>
<td>• Campus Manager will consider the formal complaint within 10 business days by reviewing, clarifying, investigating and discussing the matter with other relevant staff. All documentation to be provided by Student. The student will be given all opportunities to respond.</td>
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<td>• Once a decision has been reached the Campus Manager shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing.</td>
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<tr>
<td>• Copies of all documentation, outcomes and further action required will be placed into the ‘Complaints and Appeals Register’ by the Student Administration on the student’s file.</td>
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<td>• In the case of staff and client complaints, the process is managed by the Campus Manager and/or CEO, whose responsibility is to ensure a similar process to student complaints is followed.</td>
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<td>• Within the notification of the outcome of the formal complaint, complainants and appellants shall also be notified that they have the right of appeal. To appeal a decision the College must receive, in writing, grounds of the appeal. Please refer to the Complaints and Appeals procedure and the Appeal Application Form.</td>
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### Internal Appeals

• All students have the right to appeal decisions made by the College where reasonable grounds can be established. The areas in which a student may appeal a decision made by the College may include:
  - Assessments conducted
  - Reported breaches of academic progress, misbehaviour of fee payment requirements
- Deferral, suspension, or cancellation decisions made in relation to the student’s enrolment
- Or any other conclusion that is made after a complaint has been dealt with by the College in the first instance.

- To activate the appeals process the student is to complete an Appeal Application Form which is to include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained and help and support with this process can be obtained from Student Administration Section.
- The Operations Officer shall 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 begin 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 Operations Officer, in accordance with the above processes.

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<td>STAGE 2 – Formal Complaints and Appeals Resolution (cont)</td>
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**Formal Appeals**
- Where a student has appealed a decision or outcome of a formal complaint they are required to notify the College in writing on the Appeal Application Form within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.
- The Appeal Application shall be lodged through the Student Administration Office and the Operations Officer shall ensure the details of the appeal are added to the ‘Complaints and Appeals Register’.
- The Campus Manager shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
- The student shall be notified in writing of the outcome and the ‘Complaints and Appeals Register’ updated.
- Appeals lodged by staff and clients will be managed by the Operations Officer in accordance with the above processes.

**Assessment Appeals**
- Where a student wishes to appeal an assessment they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to reassess the student to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- If this is still not to the student’s satisfaction the student shall formally lodge an appeal by submitting an Application for Appeal, outlining their reasons for the appeal. They shall lodge this with Student Administration Section and the appeal shall be entered into the ‘Complaints and Appeals Register’.
The Campus Manager and Operations Officer shall be notified and shall seek details from the 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’. The third party shall be another assessor appointed by the College.

The student shall be notified in writing of the outcome and the ‘Complaints and Appeals Register’ updated.

Appealing Decisions to Report Breach of Academic, misbehaviour or fee payment Requirements

Where a student wishes to appeal the decision of the College to notify DIAC of a breach of academic or attendance requirements the student shall lodge, in writing, a letter outlining the details of their appeal. The student should have compelling circumstances as to why they have breached their requirements and must be able to provide evidence of these circumstances.

The appeal shall be lodged this with the Student Administration Office and the appeal entered into the ‘Complaints and Appeals Register’.

The Admissions officer 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.

The student shall be notified in writing of the outcome and the ‘Complaints and Appeals Register’ updated.

Where a student has decided to access the appeals process in relation to a reportable breach, the College will not report the breach until the appeals process has been undertaken. The College is required to maintain all relevant responsibilities until the breach has been reported to DIAC via PRISMS.

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<tr>
<th>Action/Method (cont)</th>
<th>STAGE 2 – Formal Complaint Resolution (cont)</th>
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<tr>
<td>Appealing Deferrals, Suspension or Cancellation of Enrolment Decisions</td>
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<tr>
<td>Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment they are required to lodge an Appeal Application Form, outlining the details of their appeal. Students should have extenuating circumstances as to why the decision should be reviewed and any supporting documentation supporting their appeal.</td>
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<tr>
<td>The appeal shall be lodged this with Student Administration Section and the appeal shall be entered into the ‘Complaints and Appeals Register’.</td>
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</tr>
<tr>
<td>The Campus Manager 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.</td>
<td></td>
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<td>The student shall be notified in writing of the outcome and the ‘Complaints and Appeals Register’ updated.</td>
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Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, the College will not update the student’s status via PRISMS until the appeals process is completed. The College is required to maintain all relevant responsibilities until the change in enrolment status has been reported to DIAC via PRISMS.

STAGE 3 – External Appeals

Melbourne Campus

- If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, it may require an external independent / third party mediator. Where this is the case, the matter shall be referred to the following person / organisation. The complainant or appellant has an opportunity to formally present his or her case at no cost to him or herself.

- If you wish to lodge an external appeal or complain about this decision, 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 www.oso.gov.au or phone 1300 362 072 for more information.

- The decision of this independent mediator is final and any further action the student wishes to take is outside the College's policies and procedures. The student shall be referred to the government agencies such as DEEWR and DIAC and this information can be obtained from the Campus Manager.

- Where a decision or outcome is in favour of the student the College shall follow the required action to satisfy the student's complaint as soon as practicable.

- Where a decision or outcome is in favour of the College, the student may exercise his/her rights to appeal under Australia’s Consumer Protection Laws.
COMPLAINTS AND APPEALS FLOW CHART

APPENDIX A

Note: Complaints/Appeals lodged by Staff or Clients will be handled by the Operations Officer in lieu of Campus Manager (referred to below for Student Complaints and Appeals). All external appeals will be submitted to the CEO.

STAGE 1: Informal Complaint Resolution

- Speak with the Campus Manager/ Academic Officer. This process must be completed within 10 business days.
- Use effective communication and conflict resolution skills. Refer to “Fighting Fair” (Conflict Resolution Network) which has useful tips for resolving conflicts.

Resolution not achieved. Initiate an Informal Complaint within 10 business days.

STAGE 2: Formal Complaints and Appeals Resolution

- Lodge formal complaint on the Complaints and Appeals Application Form with Campus Manager. Submit within 5 business days of the date of notification of the Informal Complaint Resolution process.
- Acknowledgement of application given by Campus Manager within 5 business days.
- Campus Manager will consider formal complaint within 10 business days by reviewing, clarifying, investigating and seeking further information. Student will be given all opportunities to respond.
- Campus Manager may dismiss formal complaint/uphold formal complaint. Notify Student in writing with reason/s within 10 business days regarding outcome.

STAGE 3: External Appeals

Submit Appeal to CEO within 5 business days using the “Complaints & Appeals Application Form”

An independent mediating body will be appointed at no cost. Danford College is bound by the decision of the independent mediator (Overseas Students Ombudsman (VIC)). Any recommendation and corrective and preventative action required will be immediately implemented. Formal written advice will be provided to the appellant within 10 business days.

If dissatisfied with the decision of the external mediator, the appellant has the right to pursue further action under Australia’s Consumer Protection Laws.

Decision of Campus Manager is final. Review can only take place through an External Appeal.

OMPLAINTS AND APPEALS FLOW CHART

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Resolution not achieved. Initiate an Informal Complaint within 10 business days.

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