



Complaints & Appeals Policy

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1. Governing Standard

- Standards for RTO's 2015: Standard 6: Complaints & Appeals
- National Code 2018: Standard 10: Complaints and Appeals

2. Objectives

The objectives of this policy are to:

1. Outline the procedure for lodging a complaint with the College;
2. Outline the procedure for lodging an appeal against a decision made by the College's Management in a complaints dispute;
3. Outline the procedure for lodging an appeal against an assessment result
4. Outline the procedure for making an external complaint.

3. Scope

The following policy applies to all complaints and appeals by enrolled students.

The complaint may be against another student/s and/or staff member/s.

In certain circumstances, this policy 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 outlines the 3 stages of the Complaints and Appeals process.

4. Policy Statement

This policy and procedure support 'Standard 8 – Complaints and Appeals' of the 'National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2018'.

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 make 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.

All parties have the right to be accompanied and assisted by a support person in every relevant

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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 and 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.

The Complaints and Appeals process does not remove the right of the appellant to act under Australia's Consumer Protection Laws.

Danford College's complaints and appeals processes is independent, easily and immediately accessible and free for the parties involved.

Danford College has an internal complaints and appeals process that:

1. Requires a written record if the complaint or appeal cannot be resolved informally;
2. Provides a student with the opportunity to formally present his or her case at no cost;
3. Allows the student to be assisted or accompanied by a support person;
4. Provides a written statement of the outcome, including details and reasons for the decision; and
5. Requires that processes begin within 10 working days of the College receiving the formal written complaint or appeal.

The College will maintain the student's enrolment while the complaints and appeals process are ongoing. This does not necessarily mean that a student must remain in class.

The College has arrangements in place for an independent external person or organisation to hear the complaints or appeals where the College's internal process has been completed and the student remains dissatisfied.

If the outcome of a student's appeal through the College's internal or external complaints and appeals handling process is favourable to the student, the College will immediately advise the student of this and implement any decision and/or corrective and preventive action required.

5. Methodology

Stage 1- Informal Complaint Resolution

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 and/or staff member has placed a formal complaint / appeal the following procedures must be followed.

Stage 2: Formal Complaints & Appeals Resolution

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To lodge a formal complaint, the complainant must either:

1. Complete and submit a Complaint & Appeals Form available on the website www.danford.edu.au.
2. Identify the complainant (the person with the complaint e.g. yourself), the respondent (person you have the complaint against, if applicable), and the nature of complaint. The complainant must sign the complaint (an email signature will be sufficient).
3. Attach any supporting documents or information.

Complaints are to include the following information:

- Submission date of complaint
 - Name of complainant;
 - Description of complaint;
 - Date of the event which lead to the complaint
 - Attachments (if applicable);
 - Determined Resolution; and
 - Date of Resolution.
-
- Once a complaint has been filed and logged in the 'Complaints & Appeals Register' the Operations Manager shall send an acknowledgement of the complaint and ask the complainant to provide any further documentation related to the matter (if required);
 - The Operations Manager shall assess the nature of complaint and assign a priority based on the urgency of the issue.
 - The Operations Manager will consider the formal complaint within 10 business days by reviewing, clarifying, investigating and discussing the matter with other relevant staff and all documentation provided by the Student. The student will be given all opportunities to respond.
 - Complainants 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 Operations Manager shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing.
 - Copies of all documentation, outcomes and further action required will be placed into the 'Complaints & Appeals Register' by the Operations Manager on the student's file on RTO Manager.
 - Students shall also be notified that they have the right of appeal the decision via information provided in the notification of the outcome.
 - Complaints are treated confidentially and the identity of the complainant is kept confidential. If the complaint is about any internal staff such as Trainer or Assessor, marketing or agent's the complainant's identity will not be disclosed. All parties involved in the issue will be treated with respect and will not be victimised or discriminated against during the process.

6. Internal Appeals

If a student is dissatisfied with the outcome of the formal complaint process, they may initiate the internal appeal process. Students are required to notify the College within 20 working days of the grounds of their appeal.

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
- Workplace issues or:
- Any other conclusion that is made after a complaint has been dealt with by the College in the first instance.

Method for lodging an Appeal

1. Complete and submit a 'Complaints & Appeals Application Form', available on the College website: www.danford.edu.au. Include a summary of the grounds the appeal is based on and any supporting documentation.
2. The Appeal is added to the 'Complaints and Appeals Register'.
3. The Operations Manager shall organise a meeting with all parties involved and attempt to seek resolution where appropriate.
4. The student shall be notified in writing of the outcome and the 'Complaints & Appeals Register' updated.
5. The process for all formally lodged internal appeals will be finalised within 10 working days of the 6. appeal being lodged.

Assessment Appeals

- Where a student wishes to appeal an assessment result, they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess 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 the result is still not to the student's satisfaction the student may wish to formally lodge an Appeal by completing and submitting a Complaints & Appeals Application Form via the College website: www.danford.edu.au outlining their reasons for the appeal.
- The Operations Manager will 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 that the assessment decision will remain unaltered or provides 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 & 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 of a breach of general, fees, academic or attendance requirements the student may wish to lodge a Complaint & Appeal Application Form via the College website: www.danford.edu.au 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.

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The student shall be notified in writing of the outcome and the 'Complaints & 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 DHA via PRISMS.

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 a Complaint & Appeal Application Form via the College website: www.danford.edu.au 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.

The student shall be notified in writing of the outcome and the 'Complaints & Appeals Register' updated. 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 DHA via PRISMS.

Time Frame & notifying DHA

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

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

Danford College will maintain the enrolment of the student until the complaints and appeals process is completed. To 'maintain the student's enrolment' means the College does not notify the Department of Education of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

The College will maintain the student's enrolment throughout the internal appeals process for all types of complaints or appeals. However, whether the provider must maintain the enrolment throughout an external appeals process depends on the type of appeal.

The College will maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external complaints process is complete and has supported the provider's decision to report.

The College will wait for the outcome of the external process in this case as reporting a student for unsatisfactory progress or attendance may result in cancellation of the student's visa.

If the appeal is against the provider's decision to:

- defer or suspend a student's enrolment due to misbehaviour or
- to cancel the student's enrolment

The College only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Education through PRISMS of the change to the student's enrolment.



Once the Department of Education has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:

- leave Australia
- show the Department of Home Affairs and Citizenship Border Protection (DIBP) a new Confirmation of Enrolment (CoE) or provide DHA with evidence that he or she has accessed an external appeals process.

Standard 8 does not require providers to continue to offer learning opportunities throughout the complaints or appeals process. The College will decide whether it will continue to offer learning opportunities throughout any appeals process. For example, the College may decide to exclude a student from attending classes, but continue to provide work to complete outside of the classroom environment. The College will consider that to deny students learning opportunities throughout the appeals process may disadvantage the students in their subsequent studies should the appeals process find in their favour. If students have missed a few weeks of studies, it may be difficult for them to catch up on this work.

- If a student takes the complaint or appeal to the external process, the student will be informed promptly of the decision reached by the external body.
- The College will update the student's file to record the outcome, and any subsequent actions.

7. External Complaints & Appeals

If the student has exhausted the above internal complaints processes and procedures and the dispute is unresolved or they feel dissatisfied with the outcome, the student 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:

Commonwealth Ombudsman

GPO Box 442

Canberra ACT 2601

Email: ombudsman@ombudsman.gov.au

Tel (in Australia): 1300 362 072 Tel (outside Australia): +61 2 6276 0111

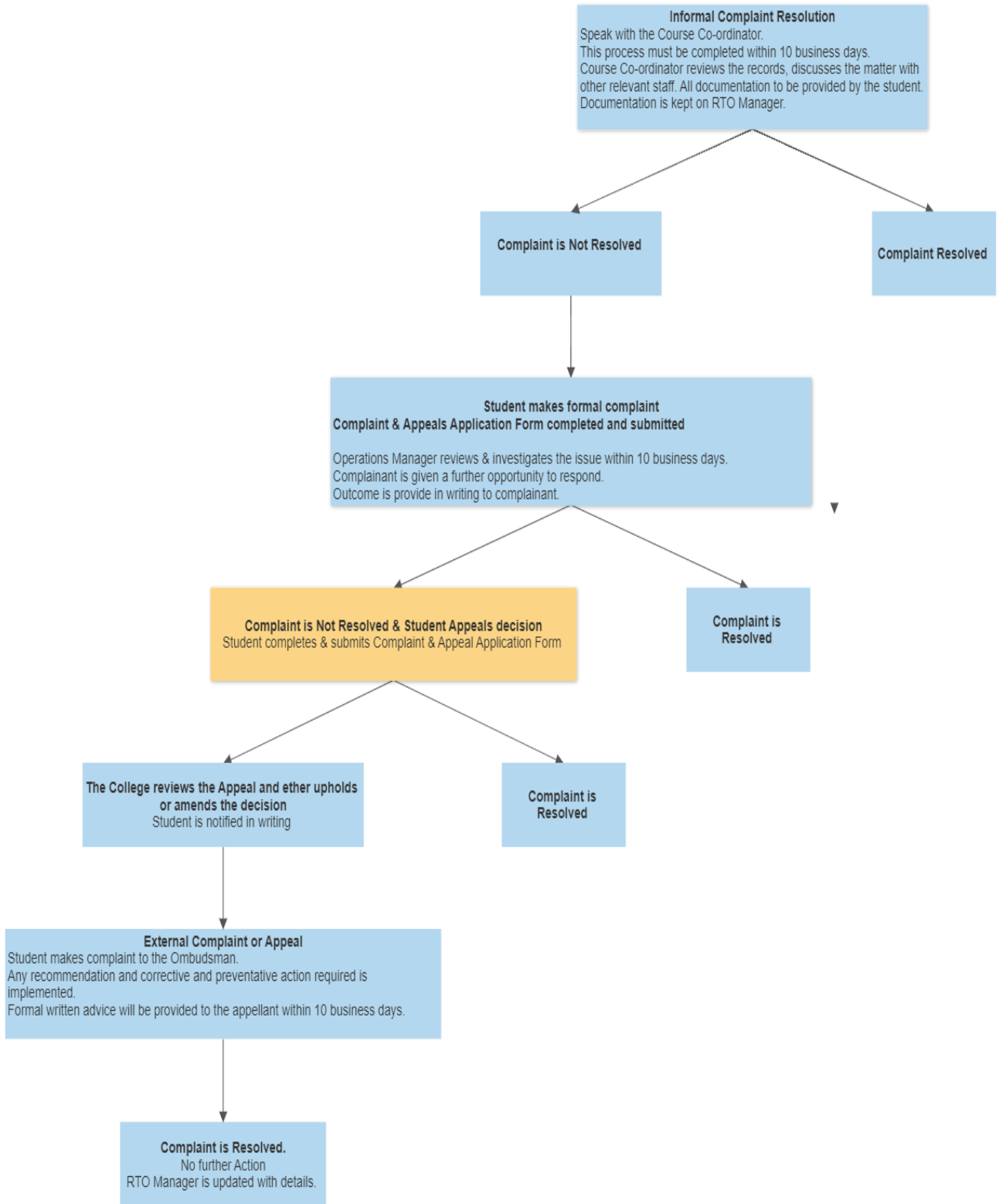
<https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

Ombudsman's Decision

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. The Complainant may also seek legal redress through the usual court processes if they feel dissatisfied. The complainant must bear the costs of initiating or defending any legal proceedings. These terms do not remove the Complainant's rights (if any) to act under the consumer protection laws.

8. Flowchart



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9. Related Documents

- Complaints & Appeals Application Form
- Complaints & Appeals Register
- Letter Templates

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