

# Complaints and Appeals Policy and Procedures

## 1. Purpose

To ensure students enrolled at Blue Lotus College (BLC) have a fair, inexpensive complaints and appeals process that includes access to an independent external body, if necessary. BLC will make sure Complaints and Appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved. This Complaints and Appeals Policy and Procedure is designed to ensure that BLC responds effectively and efficiently to individual cases of dissatisfaction in accordance with the requirements of the Standards for RTOs 2015 (clause 6) and National Code Standard 10.

## 2. Scope

This policy and procedure apply to all BLC students and prospective students who wish to enrol at BLC.

## 3. Responsibility

The Student Services Manager/COO/CEO is responsible for the implementation of this policy and procedure and ensuring that staff and students are made aware of its application.

## 4. Definition

**Complainant** refers to a person who has lodged a complaint with BLC.

**Complaint** means a person's expression of dissatisfaction with any service provided by BLC including academic and non-academic matters.

**Appeal** refers to the process where a student requests for the case to be reviewed if dissatisfied with a decision made by BLC.

**Academic** matters include those matters which relate to student progress, assessment, course content or awards in a course of study.

**Non-academic** matters include those matters related to student enrolment, induction, or orientation process, quality of education and discrimination or harassment that the student may have experienced.

## 5. Policy requirement

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- BLC will ensure that the process is in place for lodging a formal complaint or appeal, if the matter cannot be resolved informally. This requires a written record of the complaint or appeal to be kept;
- Each complainant or appellant has an opportunity to formally present his or her case at no cost to him or herself;
- Each party may be accompanied and assisted by a support person at any relevant meetings;
- Student's enrolment will be maintained throughout each stage of the appeals process; and
- The complainant or appellant is given a written outcome after the conclusion of the case.

## 2.1 General Complaints

2.1.1 All formal complaints or appeals are submitted in writing to the Student Services Manager. It is his/her responsibility to acknowledge the complaint within 5 working days or request for an appeal in writing and to deal with the complaint in the first instance. A complaint/ Appeal Lodgement form is available from the Student Administration Department, which can be used to Lodge the complaint. Student Support Officer can assist with the filling Complaint Form. 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);

2.1.2 Once a complaint is received it is to be entered into the 'Complaints log book/register', which is monitored by the COO and Student Services Manager regularly. The information to be contained and updated within the register is as follows:

- Submission date of complaint;
- Name of complainant;
- Description of complaint / appeal;
- Determined Resolution; and
- Date of Resolution.

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- 2.1.3 A student may be assisted or accompanied by a support person at any stage of the complaints and appeals process regardless of the nature of the complaint.
- 2.1.4 Once a complaint has been filed and logged in the 'complaints and appeals register', the Student Service Manager shall notify the COO/Training Manager of the complaint and provide any further documentation related to the matter.
- 2.1.5 The COO/Training Manager shall then refer the matter to the appropriate staff to resolve or make a decision on the complaint at hand within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint as soon as possible. (The complainant or appellant must be informed when a complaint or appeal is expected to take longer than 60 days to finalise.)
- 2.1.6 Once a decision has been reached the COO/Training Manager shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing.
- 2.1.7 Copies of all documentation, outcomes and further action required will be placed into the 'complaints and appeals register' by the Student Services Manager and on the student's file.
- 2.1.8 Within the notification of the outcome of the formal complaint, the student shall also be notified that they have the right of appeal. To appeal a decision BLC must receive, in writing, grounds of the appeal. Student is referred to the appeals procedure.
- 2.1.9 Where a decision or outcome is in favour of the student, BLC shall follow the required action to satisfy the student's complaint immediately.
- 2.1.10 In case of complaints received from a student, BLC will maintain student's enrolment, throughout the complaint process.

## 2.2 Internal Appeals

All students have the right to appeal decisions made by BLC where reasonable grounds can be established. The areas in which a student may appeal a decision made by BLC may include:

- Administrative and Management practices;
- Training and assessments outcomes;

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- Reported breaches of academic performance;
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment; Or
- any other decision that is made after a complaint has been dealt with by BLC at the first instance.

2.2.1 To activate the appeals process the student is to complete an 'Appeal' application 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 gained from Administrations department.

2.2.2 The COO/Coordinator shall organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.

2.2.3 The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.

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

## 2.3 General appeals

2.3.1 Where a student has appealed a decision or outcome of a formal complaint they are required to notify BLC in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.

2.3.2 The appeal shall be lodged through administration department and Student Services Manager shall ensure the details of the appeal are added to the 'complaints and appeals register'.

2.3.3 The COO/Training 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.

2.3.4 The student shall be notified in writing of the outcome and the 'complaints and appeals register' updated.

2.3.5 Where a decision or outcome is in favour of the student, BLC shall follow the required action to satisfy the student's complaint immediately.

## 2.4 Assessment appeals

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- 2.4.1 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 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.
- 2.4.2 If this is still not to the student's satisfaction, the student shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with administration department and the appeal shall be entered into the 'complaints and appeals register'.
- 2.4.3 The COO/Training Manager 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 BLC.
- 2.4.4 The student shall be notified in writing of the outcome and the 'complaints and appeals register' updated.
- 2.4.5 Where a decision or outcome is in favour of the student, BLC shall follow the required action to satisfy the student's complaint immediately.

## 2.5 **Appealing decisions to report breach of VISA requirements**

- 2.5.1 Where a student wishes to appeal the decision of BLC to notify Department of Home Affairs of a breach of procedures, fees and discipline, the student shall lodge, in writing, a letter outlining the details of their appeal.
- 2.5.2 The appeal shall be lodged with Student Support Services department including details of the reasons for the outcome; and
- 2.5.3 The process commences within 10 working days of formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable. (The complainant or appellant must be informed when a complaint or appeal is expected to take longer than 60 days to finalise.)

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- 2.5.4 If a complaint or appeal cannot be satisfactorily resolved, complainant or appellant will be advised of their right to appeal to an external body in this case to Overseas Student Ombudsman. BLC will refer students to Overseas Student Ombudsman to resolve the complaint independently with no extra cost to students.
- 2.5.5 Where a decision or outcome is in favour of the complainant or appellant, BLC shall follow the required action to satisfy student's complaint immediately.

## Procedure

### Informal process

Where possible all informal 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 the student has placed a formal complaint / appeal the following procedures must be followed and appeal shall be entered into the complaints and appeals register.

- 2.5.6 The COO/Training Manager 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.
- 2.5.7 The student shall be notified in writing of the outcome and the 'complaints and appeals register' updated.
- 2.5.8 Where a student has decided to access the appeals process in relation to a reportable breach, BLC will not report the breach until the appeals process has been undertaken. BLC is required to maintain all relevant responsibilities until the breach has been reported to Home Affairs via PRISMS.

## 2.6 Appealing deferrals, suspension or cancellation of enrolment decisions

- 2.6.1 Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment they are required to lodge, in writing, a letter outlining the details of their appeal.
- 2.6.2 The appeal shall be lodged this with student support service and the appeal shall be entered into the 'complaints and appeals register'.

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- 2.6.3 The COO/Training 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.
- 2.6.4 The student shall be notified in writing of the outcome and the 'complaints and appeals register' updated.
- 2.6.5 Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, BLC will not update the student's status via PRISMS until the appeals process is completed. BLC is required to maintain all relevant responsibilities until the change in enrolment status has been reported to Home Affairs via PRISMS.

## 2.7 External Appeals

- 2.7.1 If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, the student will be informed about the decision within 10 working days in writing of the outcome and will be advised of their right to seek assistance from an external third-party mediator.
- 2.7.2 BLC will refer the student to Overseas Students Ombudsman to lodge an external appeal or complain about this decision
- 2.7.3 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.

The Overseas Students Ombudsman contact details are:

Overseas Students Ombudsman	
Website	<a href="http://www.oso.gov.au">www.oso.gov.au</a>
Email	<a href="mailto:ombudsman@ombudsman.gov.au">ombudsman@ombudsman.gov.au</a>
Contact Number	1300 362 072

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This service is free of charge to the student.

2.7.4 The decision of this independent mediator is final and any further action the student wishes to take is outside of BLC's policies and procedures. The student shall be referred to the government agencies such as Australian Skills Quality Authority (ASQA), Department of Education, Home Affairs or the National Training Complaints Hotline (Tel. 1800 000 674). This information can be gained from the Student Support Officer.

2.7.5 Where a decision or outcome is in favour of the student, BLC shall implement the required action immediately and advise the student of the outcome.

2.7.6 The student's enrolment shall be maintained until the external appeals process through Overseas Students Ombudsman is finalised.

2.7.7 This complaints and appeals process does not remove the student's right to take action under Australia's protection laws

## 2.8 The Overseas Students Ombudsman

The Overseas Students Ombudsman investigates complaints about problems that overseas students have with private education and training in Australia.

The Ombudsman also:

- (a) Provides information about best practice of complaints handling to help private education providers manage internal complaints effectively.
- (b) Publishes reports on problems and broader issues in international education that we identify through investigations. For further information, please visit [www.oso.gov.au](http://www.oso.gov.au) or call 1300 362 072