



## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

Policy code	CAPP-001	Version 2.2	Effective date: January 2021
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### PURPOSE

This policy sets out the considerations that must be taken into account when managing international student complaints and appeals to ensure that the concern raised is addressed using the appropriate channels to facilitate an equitable, confidential and prompt resolution.

**Definition of “College”** – St Basil’s RTO, For the purpose of this policy, any reference to ‘College’ or ‘the College’ should be considered a reference to St Basil’s RTO.

**Definition of “International students”** – St Basil’s RTO ‘s defines an International Student as someone who is not an Australian citizen or permanent resident or a New Zealand citizen or a permanent visa holder. This definition includes students studying onshore on a range of temporary visas (working holiday visa, tourist visa, student visa etc) or offshore as an online student. Information that applies only to students studying on specific visa classes (e.g. Student Visa) is specified when relevant. It should be noted that all international students pay fees specified for international students, regardless of visa subclass.

### Scope:

- All college sites registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)
- Academic staff
- Student Services staff
- Recent international graduates of St Basil’s RTO (for a period of 12 months after graduation)

### POLICY STATEMENT

St Basil’s RTO is committed to providing high quality educational programs and excellent graduates who will practice as leaders in their field. St Basil’s RTO recognises that effective communication is essential to resolving any concerns and this policy is fundamental in the resolution of complaints/grievances and in the reconciliation of claimants with the College.

St Basil’s RTO considers it important to be made aware of all student complaints and appeals. The College aims to respond to complaints and appeals in a fair and equitable manner and to resolve the complaint to the satisfaction of all parties.

This policy includes three parts. Part A - applies to all international students and outlines the majority of the policy. Parts B & C - apply to specific groups of international students (Part B - studying in Australia on a student visa; Part C – studying in Australia on any other visa) and outline specific external avenues of review and appeal relevant to those students.

Note: This section applies to ALL international students, regardless of visa arrangements or courses of study.

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## Record Keeping and Confidentiality

Records of complaints and their outcomes will be kept strictly confidential and filed in a separate file (not student or staff files). All related correspondence will be maintained in the file and stored in the office of St Basil's RTO Manager. Each file is to be held by St Basil's RTO for a minimum period of five years after the student's final dealings with the College on the complaint.

The minimum five years retention provision also applies where the complaint is dealt with externally, with the retention period commencing at the conclusion of the external reviewer's involvement with the complaint. Informal complaints records will be destroyed when mutual resolution is agreed. Confidentiality is observed at all times, with records of all complaints and appeals, applications for review and the outcomes only available to the parties involved under supervised access upon written request to St Basil's RTO College Manager.

## Academic and Non-Academic Matters

Academic matters relate to student academic progress, assessment, curriculum, and quality of course delivery, academic achievement in a course and awards in a course. Non-academic matters do NOT relate to student progress, assessment, curriculum and award in a course(s).

Examples of both academic and non-academic matters are listed in the table below:

ACADEMIC	NON-ACADEMIC
Appeal of grading decision (e.g. failure of an assessment piece or subject)	Sexual harassment
Exclusion from study or continual enrolment	Discrimination on the grounds of gender identity, sexual orientation, marital, parental or carer status, pregnancy, breastfeeding, age, physical features, impairment, race, ethnicity, political or religious belief or activity
Results of credit transfer or RPL applications	Breach of personal information
Findings of allegations of academic student misconduct (e.g. plagiarism or cheating)	Unfair treatment
Quality of course delivery	Physical or verbal abuse and behavioural issues
Negative admissions decisions based on academic concerns	Concerns about campus facilities, environment, health and safety or equipment

## PURPOSE

During all stages of the Complaints and Appeals Process, St Basil's RTO will take all steps necessary to ensure that the Claimant and Respondent will not suffer any disadvantage, victimization or discrimination as a result of raising a complaint or appeal.

An explanation in writing for decisions and actions taken at any stage of the process will be provided if requested by the Claimant or the Respondent. Appropriate confidentiality will be maintained and where possible disclosure of complaint and appeal information will be limited to those who are legitimately involved in the process of resolving the complaint or appeal.

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This policy does not replace or modify policies or any other responsibilities that may arise under other St Basil's RTO policies or under statute or natural justice. This policy, and the availability of complaints and appeals processes, does not remove the right of the student to pursue other legal courses of action.

Feedback from students about academic services and courses offered by St Basil's RTO is encouraged and would not normally be viewed as a complaint, unless specific action is requested in the form of a concern raised. All feedback submitted receives an initial response within three (3) working days.

If a student feels that they have experienced unfair or unreasonable treatment, disadvantage or distress and wish to pursue a complaint in a more formal manner. Feedback submitted can be considered Stage 1 of the complaints and appeals process known as the Informal Resolution Process (see below).

This policy also covers students who have ceased their enrolment with St Basil's RTO. Issues from such students can be considered under this policy for a period of up to 12 months after enrolment has ceased. A complaint or appeal submitted under these circumstances must not be a previous complaint or appeal that has been considered resolved but a new complaint or appeal with new facts that may have come to light during this time. A previous complaint or appeal cannot be re- instigated after the student's enrolment with St Basil's RTO has ceased.

Negotiated solutions will aim to address the key issues and be acceptable to all individuals or parties involved without ascribing blame, victimization or discrimination. If the complaint is not resolved through informal procedures, students may initiate a Formal Complaints and Appeals Process. There is no cost to the Claimant for utilizing St Basil's RTO internal or external complaints and appeals procedure.

## Stages of Complaints and Appeals

### Implementation

The following steps identify the four key stages through which a complaint or appeal may be dealt with. St Basil's RTO provides the following steps to allow the complaint or appeal to be formalized. The Claimant's privacy rights will be assured while ensuring that victimization and discrimination does not occur at any time during the following stages.

The Claimant has the right to be heard on the matter of the complaint or appeal at any stage and may be accompanied by a nominated support person or third party of their choice when meeting with St Basil's RTO to discuss their particular concern.

The four stages of the Complaints and Appeals Process are fully detailed in the related

## Complaints and Appeals Procedure – International

### Stage 1 – Informal Resolution Process

Claimants are encouraged to attempt to resolve the complaint informally and amicably at an early stage. This can be done through speaking directly with a member of Student Services or Academic staff.

### Stage 2 – Formal Resolution Process

The formal complaints and appeals procedure begins, when a current, former (up to 12 months previously) or prospective student states in writing that they have a complaint using the formal complaints and appeals paperwork and submits it directly to St Basil's RTO Manager and, Student Services via student administration. St Basil's RTO CEO and college Manager, Student Services will acknowledge receipt of the complaint within five (5) working days.

Separate procedures apply to academic and non- academic complaints. It is important to note that formal complaints respect the right and the privacy of the individual and all formal complaints MUST be lodged individually. Each student's circumstances are different and as such will be reviewed with the best interests of the individual in mind.

### Stage 3 - Appealing the Original Decision

If the Claimant is dissatisfied with the outcome of their complaint, they may lodge an appeal detailing the reasons for the appeal to St Basil's RTO Manager within 20 working days of being informed of the decision. St Basil's RTO Manager and Student Services is responsible for reviewing appeals relating to formal complaints and convening the Complaints and Decision Review Committee based on the appeal documentation.

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The Committee membership includes external members of St Basil's RTO governing bodies, internal staff and a student representative. The Committee will meet to consider the appeal and may interview the complainant or other stakeholders in the course of its considerations. St Basil's RTO will maintain the student's enrolment while the internal and/or external appeals process is ongoing.

The process will begin within 10 working days of the formal written lodgment of the appeal. All reasonable measures to finalise the appeal as soon as possible will be taken. A written statement outlining the outcome of the appeal will be provided to the student within 15 working days of the Committee meeting, including reasons for the decision.

## Stage 4 - External Independent Review

If the Claimant is dissatisfied with the outcome of an internal appeal, they may make a written request to St Basil's RTO Manager for an independent external review of the decision (see Part B and C of this policy).

### Continuous Improvement

Any improvement action arising from a student complaint or appeal will be recorded in accordance with St Basil's RTO Continuous Improvement Process.

Note: This section only applies to student visa holders

### External Independent Review

If the student is studying in Australia on a student visa, the Overseas Students Ombudsman will provide the external complaints and appeals mechanism. 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](http://www.oso.gov.au)) or phone 1300 263 072 for more information.

### Outcome of Complaints and Appeals Process

Should the outcome of the complaints and appeals process be in favour of St Basil's RTO, the College will notify the Department of Immigration and Border Protection (DIBP) at the conclusion of the process of any relevant changes to the student's enrolment through the Provider Registration and International Students Management System (PRISMS) (if the student is studying in Australia on a student visa).

This notification will only occur after timeframes for the next step in the process have expired or at the completion of Stage 4 of the process.

If the complaints and appeals process results in a decision that supports the student, St Basil's RTO will immediately implement any decision and/or corrective or preventative action and advise the student of the outcome. All outcomes will be communicated to students in writing.

## PART C

Note: This section only applies to students who are NOT studying on a student visa

### External Independent Review

If the student is studying in Australia on another visa and wishes to lodge an external appeal or complaint against the outcome of the internal appeal process, they may contact the Administrative Appeals Tribunal (AAT) for an independent review. The AAT deals with complaints whereby an organisation fails to follow its own complaints and or appeals policies and procedures. If you believe that this has occurred, please contact the AAT for further information who will review the procedure followed by the provider. Full details of the application process and fees payable are available on the AAT Registry's website: [www.aat.gov.au](http://www.aat.gov.au).

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## Outcome of Complaints and Appeals Process

Should the outcome of the complaints and appeals process be in favour of St Basil's RTO, the College will implement any necessary action immediately. If the complaints and appeals process results in a decision that supports the student, St Basil's RTO will immediately implement any decision and/or corrective or preventative action. All outcomes will be communicated to students in writing.

## DEFINITIONS

- **DHA** – Department of Home Affairs
- **PRISMS** – Provider Registration and International Students Management System. A secure computer system that contains details of all education institutions, their courses and every student studying in Australia on a student visa.
- **ESOS** – Education Services for Overseas Students. A legislative framework, administered by the Australian Government, addressing the responsibility of education institutions towards overseas students.
- **Academic complaint** – a complaint about student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course.
- **Appeal** - An application to a higher authority for a decision to be reversed.
- **Claimant** – refers to the person who formally instigates a complaint or appeal.
- **Complaint** – A statement that a situation is unsatisfactory. Formal complaint – refers to the formal lodging of a written complaint or appeal.
- **Informal complaint** – refers to a range of processes, such as discussion, a request or query lodged with an appropriate staff member.
- **Natural justice** – Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.
- **Non-academic complaint** – a complaint about operational or administrative matters within St Basil's RTO, unfair treatment, abusive behaviours, concerns about facilities, environment and safety.
- **Respondent** – refers to the person or institution against whom the complaint is lodged.
- **Student** – is an individual person who is formally enrolled to study at St Basil's RTO. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.
- **Support Person** – the student is entitled to be supported by another person, being willing to support, whom the student appoints to assist at any stage of the process

## FURTHER INFORMATION

### Related Policies:

- Student Code of Conduct

### Benchmarking:

- Internal partners

### Supporting Research and Analysis:

- Not Applicable

### Related Documents:

- Not Applicable

### Related Legislation:

- The Education Services for Overseas Students (ESOS) Act 2000
- National Code of Practice 2018
- Education Services for Overseas Students (ESOS) Regulations 2001
- National Vocational Education and Training Regulator Act