

## Complaints and Appeals Policy & Procedure

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RTO: 22234

### Policy

- 1.1 If a student has a complaint that they wish to raise with Ashton College they are encouraged to do so through the Complaints and Appeals procedure. Students are also encouraged to appeal any Ashton College decision if they feel they have grounds via the Appeals process as per this policy. This includes assessment and RPL decisions.
- 1.2 Students may lodge informal and formal complaints. Students may also access the RTO (internal) and the external appeals process.
- 1.3 The College has a procedure for informal/ formal complaints and internal and external appeals processing/ handling.
- 1.3 All complaints and appeals lodged will be used for continuous improvement purposes.
- 1.4 The Client Services Manager is responsible for implementing this policy and reviewing its effectiveness in compliance with regulatory guidelines.
- 1.5 This policy will be implemented in compliance with the requirements of the Standards for Registered Training Organisations (RTOs) 2015 clause 1.8, 2.2, 5.2, 6.1, 6.2, 6.3, 6.4, 6.5 and 6.6 and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standard 10 and and ELICOS national standards.
- 1.6 This policy and procedure applies to all Ashton College students.
- 1.7 Student's rights to access other legal remedies are not affected by this policy and procedure.
- 1.8 Students are provided information on the College's complaints and appeals policy and procedure pre and post enrolment.
- 1.9 Ashton College encourages all parties to approach a complaint or appeal with an open mind and to attempt to resolve problems through discussion and conciliation.
- 1.10 Students may be accompanied and assisted by a representative at any time.
- 1.11 Students' enrolments are maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined.
- 1.12 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 Ashton College management meeting as part of the continuous improvement process.
- 1.13 The student will incur no cost during the complaints and appeals process unless they seek external representation.
- 1.14 Complaints and appeals are taken seriously by the College and action is initiated within 10 days of receipt of a complaint or appeal. We act upon the outcome of any complaint found to be substantiated. Appeals must be lodged within 20 working days of the decision of a complaint process or assessment result.
- 1.14 Students are provided the opportunity to lodge their complaint or appeal in writing.
- 1.15 The following procedure outlines how students will have their complaints and appeals processed.

### Procedure

#### 2. Informal Complaint Process – General Complaints

- 2.1 Students are encouraged to approach any member of Ashton College staff and make an informal complaint against trainers, students, any third party service provider, assessments, processes etc.

- 2.2 Where possible staff members utilise advice, discussions, and general mediation in relation to the issue / complaint. Staff members try and resolve the issue informally.
- 2.3 Any staff member can be involved in this informal process to resolve issues. Staff members refer students to the Client Services Manager or CEO if they feel they cannot or it is not appropriate for them to try and resolve the complaint/ issue. The Client Services Manager may seek advice from or delegate the handling of the complaint to academic or welfare personnel.
- 2.4 Staff may arrange a future meeting with the student if further investigation is required.
- 2.5 The outcome of the investigation is communicated to the student within an agreed timescale.
- 2.6 If the complaint is against the Client Services Manager another member of staff should be approached and deal with the complaint.
- 2.6 The outcome of the informal complaint should be communicated to the student within 10 working days of lodgement.
- 2.8 Students who are not satisfied with the outcome of the informal process are encouraged to lodge a formal complaint.
- 2.9 Complaints and outcomes are logged in the Student Management System (SMS) for continuous improvement purposes.

### **3. Formal process - General Complaints**

- 3.1 Students are encouraged to make a formal complaint against trainers, students and any third party service provider should they be dissatisfied with the outcome of the informal complaints process. They must complete the Complaints & Appeals form (with assistance from a member of staff or the CEO if required).
- 3.2 Complaints & Appeals forms are to be submitted to Ashton College via e-mail to [kate@ashtoncollege.edu.au](mailto:kate@ashtoncollege.edu.au) or submitted to the any of the Ashton College campuses.
- 3.3 The College will process the complaint/ appeal within 10 working days of lodgement.
- 3.4 The College will give students every opportunity to present their case during this process and try to resolve the issue to the satisfaction of the student where possible.
- 3.5 The College delegate (the member of staff allocated to handle the complaint) will investigate the complaint and liaise with appropriate staff if necessary to ensure all the facts are considered prior to making any decision.
- 3.6 If appropriate, the College delegate may seek advice from internal/ external Welfare Support services and/ or involve welfare support personnel in the handling of the complaint.
- 3.7 If appropriate, the College delegate may seek advice from Academic staff and/ or involve Academic staff in the handling of the complaint.
- 3.8 If appropriate the College delegate may implement the Critical Incident policy if they believe the issue meets the criteria to be deemed so.
- 3.9 The College delegate may re-allocate the handling of the complaint to an appropriate staff member if applicable.
- 3.10 The College delegate may arrange a meeting with the student during the investigation process if appropriate. If a meeting is initiated the College delegate and at least one other appropriate member of staff will attend the meeting and review the evidence in coming to a decision.
  - Meeting minutes will be taken and made available to all parties.
  - Students' have the right to seek advice from and be represented by external parties at any time during the complaints and appeals process. The cost of this will be borne by the student.

- At the meeting the student has the opportunity to submit and discuss the grounds/evidence for their complaint.
- 3.11 College staff considers all evidence from the student and the College in coming to decisions.
  - 3.12 College staff clarifies evidence/ information to ensure they fully understand all aspects of the issue.
  - 3.13 On reviewing the evidence, the staff member will attempt to negotiate a resolution to the issue/complaint if appropriate.
  - 3.14 The College delegate notifies the student in writing of Ashton College's decision within 3 working days of the decision being made. This will include reasons for the decision.
  - 3.15 Students are notified of their right to appeal any decision within 20 working days of receiving notification if they are not satisfied with the outcome of the process. They are also notified on how to access the process.
  - 3.16 All formal complaints and outcomes are recorded in the Complaints and Appeals Register
  - 3.17 If a student's complaint is substantiated through this process the College delegate will take immediate corrective action.
  - 3.18 All relevant documentation relating to the complaint is stored in the student's file.

#### **4 Internal appeals process – General appeals**

- 4.1 If students are not satisfied with College decisions they may appeal them by accessing the appeals process.
- 4.2 The student will not incur costs when accessing the internal appeals process unless they seek representation.
- 4.3 General appeals may be made in relation to the following areas:
  - the outcome of a formal complaint
  - the outcome of action being brought against the student for breaching the code of conduct
  - against the College's decision that it intends to report International Students for:
    - not achieving satisfactory course progress
    - not achieving satisfactory attendance
    - against the College's decision to defer, suspend or cancel an International Students enrolment
- 4.4 Students must have reasonable grounds for an appeal and include all supporting evidence with the Complaints & Appeals form.
- 4.5 The College delegate can assist students with completing the Complaints and Appeal form.
- 4.6 The College delegate is not able to assist students in establishing if they have reasonable grounds for an appeal.
- 4.7 Students' have the right to seek advice from and be represented by external parties at any time during the appeals process. The cost of this will be borne by the student.
- 4.8 If the appeal is lodged as a result of the outcome of a complaint, the staff members who dealt with the complaint will not handle the appeal.
- 4.9 Students must lodge an appeal within 20 working days of being notified by Ashton College of any decision they wish to appeal.
- 4.10 Students must lodge appeals using the Complaints & Appeals form from College website or available from any Ashton College Campus.
- 4.11 Complaints & Appeals forms are to be submitted to: Ashton College or via e-mail to [kate@ashtoncollege.edu.au](mailto:kate@ashtoncollege.edu.au) or submitted to any of the college campuses.

- 4.12 The appeals process will commence within 5 working days of lodgement and the outcome communicated to the student within 10 working days of lodgement. On receiving an appeal Ashton College will arrange a meeting to take place and inform the student in writing.
- 4.13 The student and representative (if requested), CEO and two other appropriate members of staff will attend the meeting.
- 4.14 Staff handling the appeal will give students every opportunity to present their case during this process and try to resolve the issue to the satisfaction of the student where possible.
- 4.15 Ashton staff will consider all the evidence and liaise with appropriate staff if necessary to ensure all the facts are considered prior to making any decision.
- 4.16 If appropriate College staff may seek advice from internal/ external Welfare Support services and/ or Academic staff.
- 4.17 College representatives will clarify evidence/ information to ensure they fully understand all aspects of the issue.
- 4.18 The evidence will be reviewed in an impartial manner in coming to a decision.
- 4.19 Minutes of the meeting will be taken including the outcome of the appeal. This will also include the reasons for the decision. The minutes will be signed by all present.
- 4.20 Ashton staff discusses the reasons for the decision with the appellant for rejecting the appeal or accepting it is justified.
- 4.21 If the outcome is in favour of the student the College delegate will immediately commence corrective action.
- 4.22 Students are posted and/or emailed written confirmation of the outcome the next business day. The letter details the reasons for the decision and informs the student of their right to access the external appeals process within 20 working days of receipt of the letter. Information on how to access this process is also provided.
- 4.23 The complaints and appeals are updated in Student Management System (SMS).
- 4.24 All evidence will be placed in the students file.
- 4.25 There are no further avenues within Ashton College for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available to students.
- 4.26 Details of the external appeals process and how students may access it are outlined in section 6.
- 4.27 If an International Student lodges an external appeal against the College's decision of its intention to report the student for unsatisfactory course progress, unsatisfactory attendance or defer, suspend or cancel their enrolment Ashton College will maintain the student's enrolment until the outcome of the external appeal is known.
- 4.28 In such cases the college will not take any action until the 20 days from sending a notification has expired or until the College has received written notification of the outcome from the Overseas Student Ombudsman if an external appeal is lodged.
- 4.29 Students may also seek legal redress through the usual court processes if they feel unsatisfied beyond the first external appeal. Costs of any legal redress by students are to be covered by the student.

#### **5 Internal appeals process – Assessments**

- 5.1 The student will not incur costs when accessing the internal appeals process unless they seek representation.
- 5.2 If a student feels they have been unfairly assessed or there are circumstances that impacted their performance they may appeal an assessment decision.
- 5.3 Students should approach their assessor in this case outlining the reasons for their appeal.
- 5.4 If the assessor feels there are reasonable grounds for the appeal he/ she may decide to re-assess the student.

- 5.5 The assessor should document this process along with the outcome in the Student Management System (SMS). All supporting documentation should also be placed in the students file.
- 5.6 If the assessor decides to refuse the student an opportunity for re-assessment, the student may lodge a formal appeal by submitting a complaints and appeal form. The student must provide reasons for the appeal along with any supporting evidence.
- 5.7 Complaints & Appeals forms are to be submitted to Ashton College reception or via e-mail to [kate@ashtoncollege.edu.au](mailto:kate@ashtoncollege.edu.au) or submitted to staff members at any of the college campuses.
- 5.8 If the appeal is in relation to the Academic Director's decision another member of staff will deal with the process.
- 5.9 The staff member reviews all the supporting documentation and discusses the situation with the assessor and student. A decision will be made after all the evidence has been considered.
- 5.10 If the CEO or other staff member handling the process decides that the students appeal be upheld the following will apply.
  - The assessment in question will be marked by a different trainer (or by a trainer from another RTO if appropriate and feasible) and the outcome communicated to the student.
  - The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the students file.
  - The student will be sent written notification of the outcome within two working days of the decision being made. This will also include reasons and details for the decision. The letter will also inform the student of their right to access the external appeals process and how to do so.
- 5.11 Students can only appeal an assessment decision once.
- 5.12 If students are dissatisfied with the outcome of the internal appeals process they may access the external appeals process. Details of this procedure and how to access it are outlined below in section 6.
- 5.13 Students may also seek legal redress through the usual court processes if they feel unsatisfied beyond the first external appeal. Costs of any legal redress by students are to be covered by the student.

## **6. External appeals process**

### **International Students**

- 6.1 External appeals may only be lodged if a student thinks Ashton College has not followed its Complaints and Appeals policy and procedure or they are still dissatisfied with the outcomes of complaints and/or appeals after going through the College's process.
- 6.2 International students should contact the Overseas Students Ombudsman for external complaints/appeals. The Overseas Students Ombudsman offers a free and independent service for overseas students who wish to appeal a decision after the conclusion of the internal complaints and appeals process. Further information can be obtained from the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.
- 6.3 The Overseas Students Ombudsman will advise the student that in general, the purpose of the external appeals process is to determine whether Ashton College has followed its internal complaints and appeals policy and procedure.
- 6.4 The Overseas Students Ombudsman will not review the evidence or make a decision in place of those made by Ashton College.
- 6.5 Students will not incur costs in accessing the external appeals process.
- 6.6 All documentation must be placed in the students file.

- 6.7 The Overseas Students Ombudsman will provide a written statement of the outcome including reasons and details for the decision to the appellant and Ashton College at the completion of the process.
- 6.8 If the outcome of the external appeals process results in a decision favouring the student, Ashton College will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external appeals body. The student will be advised as to the course of action taken by Ashton College as per *The Overseas Students Ombudsman's* advice.
- 6.9 The student will be contacted within 3 working days of receiving notification from *the Overseas Students Ombudsman* of the decision.
- 6.10 Ashton College's Complaints and Appeals policy in no way effects the students right to access consumer affairs legislation and legal representation.

#### **Domestic students**

Domestic students also have the right to contact the VET regulator if they are dissatisfied with the complaints and appeals process and lodge a complaint against Ashton College.

- 6.11 External appeals may only be lodged if a student thinks Ashton College has not followed its Complaints and Appeals policy and procedure.
- 6.12 Students may access the external appeals process with ASQA. *Further information on ASQA can be found at <http://www.asqa.gov.au/complaints/making-a-complaint.html>.*
- 6.13 Students must lodge external appeals using the Complaints & Appeals form located in the ASQA website at <https://rms.asqa.gov.au/registration/newcomplaint.aspx>.
- 6.14 ASQA's processes require you to identify yourself to ASQA as a complainant, although you may request that your identity is kept confidential throughout any investigation that ASQA undertakes.
7. Ashton College's Complaints and Appeals policy in no way effects the students right to access consumer affairs legislation and legal representation.
8. All communications are stored in the student file and Student Management System is updated.