

Complaints and Appeals Policy

1 PURPOSE

The purpose of this policy and procedure is to provide information and outline the determination for proceeding with an appeal or complaint. Through this policy and the corresponding procedure, we commit to ensuring that overseas students have the right to natural justice by virtue of access to effective, timely, equitable and documented complaints handling and appeals processes. (10.1)

2 SCOPE

This policy applies to all current and prospective overseas students of Salford College.

3 DEFINITIONS

Appeal	<p>When a student is dissatisfied with a decision made by an RTO, that student has the right to contest it by means of an appeal.</p> <p>The appeal is a process whereby the decision is reviewed and re-evaluated with any evidence or argument that the student wishes to include for consideration. The appeal may have one of two outcomes:</p> <ul style="list-style-type: none"> - Appeal upheld meaning the decision is overturned. - Appeal rejected or not upheld, meaning the original decision stands
Assessment	the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.
Grievance	a concern about academic matters, perceived discrimination, situation, a process, person or people, facility or a support service provided by Salford College. Grievances are less formal/official than complaints, whereby a student brings a matter to the attention of Salford College in an informal way i.e. it is spoken about, not written down
Complaint	a formal complaint takes place if a grievance cannot be resolved informally (for example, the affected parties discussing the matter), and is written down for official processing
Complainant	student or potential student lodging the grievance or complaint

Internal complaint or appeal	means a complaint or appeal made by an employee or staff member of Salford College
SSO -	an acronym for Student Support Officer(s), members of staff providing support for the needs and wellbeing of all overseas students
Third party.	any party (person or group/organisation) providing services on behalf of the RTO but not including a contract of employment. between an RTO and its employee

4 POLICY STATEMENT

This policy will be given to students before a contract is entered into or before an amount of money has been paid whichever happens first.

This policy and Procedure must be provided in full in the International Student Written Agreement/Acceptance of Offer.

As part of our commitment to providing a fair and equitable student experience, the following complaints handling, and appeals system has been developed and is freely and readily accessible and clearly explained to all students and prospective students on our official website, the student handbook and at student orientation.

- 4.1 Salford College acknowledges that students have the right to raise grievances and make complaints where they see fit.
- 4.2 Salford College also acknowledges that students have the right to appeal a decision, based on valid grounds for appeal.
- 4.3 Salford College has provision for students to appeal against assessment decisions, including those made by staff members or by a third-party partner and will respond to any complaint or appeal made against any of these parties. (10.2.2)
- 4.4 Salford College ensures that students have access to a fair and equitable process for lodging an appeal against an assessment decision. (10.2.5)
- 4.5 In doing so, Salford College:
 - has written processes in place for collecting and dealing with appeals in a constructive and timely manner (see Complaints and Appeals Procedure); (10.2.1)
 - ensures that these procedures are communicated to all staff, third party partners and students.
 - ensures that each appeal and its outcome are recorded in writing.
 - ensures that each appeal is heard by an independent person or panel.
 - ensures that each complainant has the opportunity to formally present their case free of cost; (10.2.4)
 - ensures that each complainant is given a written statement of the appeal outcomes, including reasons for the decision; (10.2.6)
 - retains written record and statement of the outcome of the appeal or complaint; (10.2.7)
 - takes appropriate action upon the subject of any appeal that is found to be substantiated; and
 - utilises outcomes of appeals to review current practices which may potentially lead to continuous improvement.

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- If a student chooses to access the Salford College complaints and appeals process, Salford College must maintain the student's enrolment while the complaints/appeals process is ongoing.
 - Students can bring along a support person to any meetings.
- 4.6 All appeals must be lodged within 7 calendar days of the date of the assessment result notification to the student.
- 4.7 If the appeals process fails to resolve the appeal or the complainant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third party for review, at the request of the complainant. All costs incurred for the third-party review will be advised to the complainant.
- 4.8 Salford College will await the outcome of this process (and if, in favour of the provider) before reporting the student through PRISMS.
- 4.9 Nothing in the college's Complaints/Disputes Resolution policy negates the rights of any overseas student to pursue other legal remedies.
- 4.10 All appeals are acknowledged in writing and finalised as soon as practicable.
- 4.11 Salford College may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the complainant.
- 4.12 Salford College strives to deal with appeal issues as soon as they emerge, to avoid further disruption or the need for a formal complaint process.
- 4.13 A complaint can be forwarded directly to the Student Support Officer/Administration desk.
- 4.14 The college is not required to continue to offer learning opportunities throughout the complaints or appeals process. The college can decide whether it will continue to offer learning opportunities throughout any appeals process. 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 acknowledges that to deny students learning opportunities throughout the appeals process may disadvantage the student should the appeals process find in their favour.
- 4.15 For appeals on the college's decision to defer, suspend, or cancel a student's enrolment, the college only needs to wait until the internal complaints/appeals process is completed (if in favour of the college) to notify DET/DHA via PRISMS.
- 4.16 Salford College will not report a student for unsatisfactory progress or attendance until the student has been allowed to access our internal and an external complaints and appeals process.
- 4.17 All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training.
- 4.18 The college will respond to any complaint or appeal an overseas student makes regarding their dealings with the college, the College's agents, or any related party the college has an arrangement with to deliver a course or related services.

5 RESOLVING GRIEVANCES

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Students or potential students are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk directly with their trainer. Similarly, any issues relating to fees should be discussed first with accounts.

If the student has attempted to resolve the issue directly but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, he/she may discuss the issue with a Student Support Officer first or the training co-ordinator and if still wish to escalate, directly with the CEO. The student may be accompanied by a support person during this process. (10.2.1, 10.2.4)

CEO will consider the issue and may either suggest a course of action to resolve the issue or attempt to mediate between the student and the staff member(s) concerned.

If the matter is not resolved informally the grievance may be put to a complaint, whereby the student can complete a Complaint Form.

5.1 COMPLAINTS

To commence the formal process, the complainant must complete a Complaint Form (available from Student Services/Website). The following information needs to be provided in writing:

- a) outline the details of the complaint.
 - b) supporting information that the complainant wishes to have considered.
 - c) an explanation of the steps already taken to try to resolve the complaint informally;
 - d) why the responses received are not considered satisfactory if applicable and
 - e) what the complainant thinks needs to be done to address his/her concerns
- The Complaint Form will be acknowledged within 10 working days. CEO/Delegate will commence the process of considering the complaint and will acknowledge receipt of the complaint in writing to the complainant.
 - CEO/Delegate will ensure all steps are taken to resolve the complaint as soon as is practical, with the assessment of all complaints and appeals commencing within 10 working days of lodgement. (10.2.3)
 - Complaints or appeals wherever possible are to be resolved within 21 working days of the initial application.
 - A signed copy (signed by student and investigating officer) of the conclusions/outcome of the complaint/appeal provided to the student is also to be kept on the student file.
 - When an external appeals process has been completed, the college must immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process and notify the overseas student of the outcome.

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- Complex complaints may take longer to resolve albeit a target of 40 working days applies.

5.2 COMPLAINT OUTCOMES - UNSUCCESSFUL

If the complainant is not satisfied with the outcome of their complaint, they have the option to seek outside assistance to pursue the appeal. If the overseas student is not successful in our internal complaints handling and appeals process, they must be advised within 10 working days about their rights as an overseas student to access an external complaint handling and appeals process at minimal or no cost.

The Commonwealth Ombudsman provides an external complaint and appeals process for overseas students of private education providers. If you wish to lodge an external appeal or complain about a decision made by the college, 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. Contact details: ^(10.3)

*Mail: Commonwealth Ombudsman, GPO Box
442, Canberra ACT 2601 Phone: 1300 362 072*

*Online: <http://www.ombudsman.gov.au/How-we-can-help/overseas-students>
<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>*

If the student remains unhappy with the Internal and External outcome, they may refer the matter to the National Training Complaints Hotline on 13 38 73

5.3 ACADEMIC COMPLAINTS / APPEALS

- Complaints/appeals against academic decisions will be accepted up to fourteen (14) days from the date an assessment result was received.
- Assessment will be reviewed having due regard to submissions made by the participant.
- An independent assessor will be assigned to assess the complaint.

5.4 SUSPENSION / CANCELLATION OF ENROLMENT

- Where the appeal relates to the college's decision to defer/suspend or cancel a student's enrolment for misbehaviour /breach of college rules, the college will only await the outcome of the internal appeals process if it supports the college before notifying DET and DHA through PRISMS of the change to the student's enrolment.
- If the outcome of the internal or external appeals processes results in a decision favouring the student the college will immediately implement any corrective action, decision or measures required and advise the student of the outcome.
- Notification on PRISMS must not occur until the result of the internal appeals process is known, unless extenuating circumstances relating to the welfare of the student, Staff or other students apply, such as:
 - The student is at risk of committing a criminal offence or is the subject of investigation relating to criminal matters.
 - The student's actual or threatened behaviour poses a threat to other students. The student has medical or psychological problems that may affect their well-being.
 - The student cannot be located.

5.5 EXTERNAL COMPLAINTS AND APPEALS

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The college will await the outcome of an external appeals process before reporting/taking action against the student for course progress or attendance.

Where the appeal relates to the college's decision to defer/suspend or cancel a student's enrolment for misbehaviour /breach of college rules, the college will only await the outcome of the internal appeals process if it supports the college before notifying DET and DHA through PRISMS of the change to the student's enrolment.

If mediation is sought, the mediator is required to report the outcome of the mediation, including any recommendations arising, within 14 days of the completion of the review. Once the college receives the report of the outcomes from independent mediation, they will provide a written report to the complainant within 10 working days on the recommended actions to resolve the grievance.

When an external appeals process has been completed, the college must immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process and notify the overseas student of the outcome.

5.6 COMPLAINT OUTCOMES - SUCCESSFUL

Should the decision of the internal complaints handling or appeal process or any external process be in favour of the overseas student, that decision shall be implemented immediately. Any resulting recommendation and/or preventive or corrective action required by the decision shall also be taken as soon as practicable. All decisions and changes/actions will be recorded, and the student will be notified in writing of the action taken.

(10.4)

5.7 COMMONWEALTH RTO AND CRICOS REGULATOR

If the student is concerned about the actions of the provider, they may approach the Australian Skills Quality Authority (ASQA), the Registration Authority for CRICOS RTOs. The Australian Skills Quality Authority (ASQA) has the power to suspend or cancel the provider's registration or a course if a breach of the requirements of their registration provisions is proved.

To lodge a complaint with ASQA visit <http://www.asqa.gov.au/complaints/make-a-complaint---overseas-students/make-a-complaint---overseas-students-1.html>

ASQA is the Regulator, therefore they will only act on breaches of legislation by the provider.

5.8 APPEALS

Valid grounds for an appeal against an assessment decision (where the student feels the assessment decision is incorrect) could include the following:

- The judgement as to whether competency has been achieved and demonstrated was made incorrectly.
- The judgement was not made in accordance with the Assessment Plan.
- Alleged bias of the assessor.
- Alleged lack of competence of the assessor.
- Alleged wrong information from the assessor regarding the assessment process.
- Alleged inappropriate assessment process for the particular competency.
- Faulty or inappropriate equipment; and/or
- Inappropriate conditions.

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5.9 APPEAL OUTCOMES

An investigation into an Appeal may result in one of the following outcomes:

- a) Appeal is upheld; in this event the following options will be available:
 - i. The original assessment will be re-assessed, potentially by another assessor as soon as can be arranged.
 - ii. Appropriate recognition will be granted forthwith.
 - iii. A new assessment shall be conducted/arranged without delay ^(10.4)
- b) Appeal is rejected/ not upheld; in accordance with Salford College assessment policy the student will be required to:
 - i. undertake further training or experience prior to further assessment; or
 - ii. re-submit further evidence; or
 - iii. submit/undertake a new assessment.

5.10 ACTIONING OUTCOMES

Where the complaint or appeal is upheld, Salford College will implement the required corrective action within 21 days and advise the student in writing of the outcome.

- a) If you are Under 18 years of age a copy of your Complaint Form will be sent to your Parent or Legal Guardian.
- b) A copy of all outcomes and correspondence raised during the process will also be forwarded to your Parent or Legal Guardian within 21 days of a decision where possible.

5.11 INTERNAL APPEALS OR COMPLAINTS

- All internal complaints / appeals should be committed to in writing at the earliest possible opportunity utilizing the Complaint Form.
- A submitted Complaint Form will constitute a formal complaint/appeal from the student.
- The CEO of Salford College will be informed of all student complaints/appeals.
- The CEO of Salford College may delegate responsibility for the resolution of the complaint/appeal as required.
- In the case of a complaint/appeal, the CEO of Salford College will initiate a transparent, participative process to deal with the issues at hand.
- Assessment appeals will be processed in accordance with the Assessment Appeals Procedure
- An investigation must be commenced within 10 working days of written/formal lodgement of a completed complaints/appeals form.
- Complaints or appeals wherever possible are to be resolved within 21 working days of the initial application.
- Length of time may vary depending on the complexity of the case.
- If you are Under 18 a copy of your Complaint Form will be sent to your Parent or Legal Guardian
- A copy of all outcomes and correspondence raised during the process will also be forwarded to your Parent or Legal Guardian
- In all cases the conclusion will be endorsement by the CEO of Salford College.
- The student will be advised in writing of the outcome of their complaint/appeal within 21 days of written receipt wherever possible or as soon as practicable.
- If the outcome is not to the satisfactory of the student, he/she may seek an appointment with the CEO of Salford College.

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- The CEO of Salford College decision will be final.
- If they are still not satisfied with the decision, they may seek outside assistance to pursue the complaint, grievance or appeal, as outlined in this policy and procedure.
- All grievances, complaints and appeals will be handled as Staff-In-Confidence.
- All complaints/appeals will be discussed at Management Review meetings for continuous improvement of the processes.

5.12 ACCESS AND EQUITY

The Salford College Access & Equity Policy applies. (See Access and Equity Policy)

5.13 RECORDS MANAGEMENT

Records of all appeals and their outcomes

are maintained securely. Records of appeals

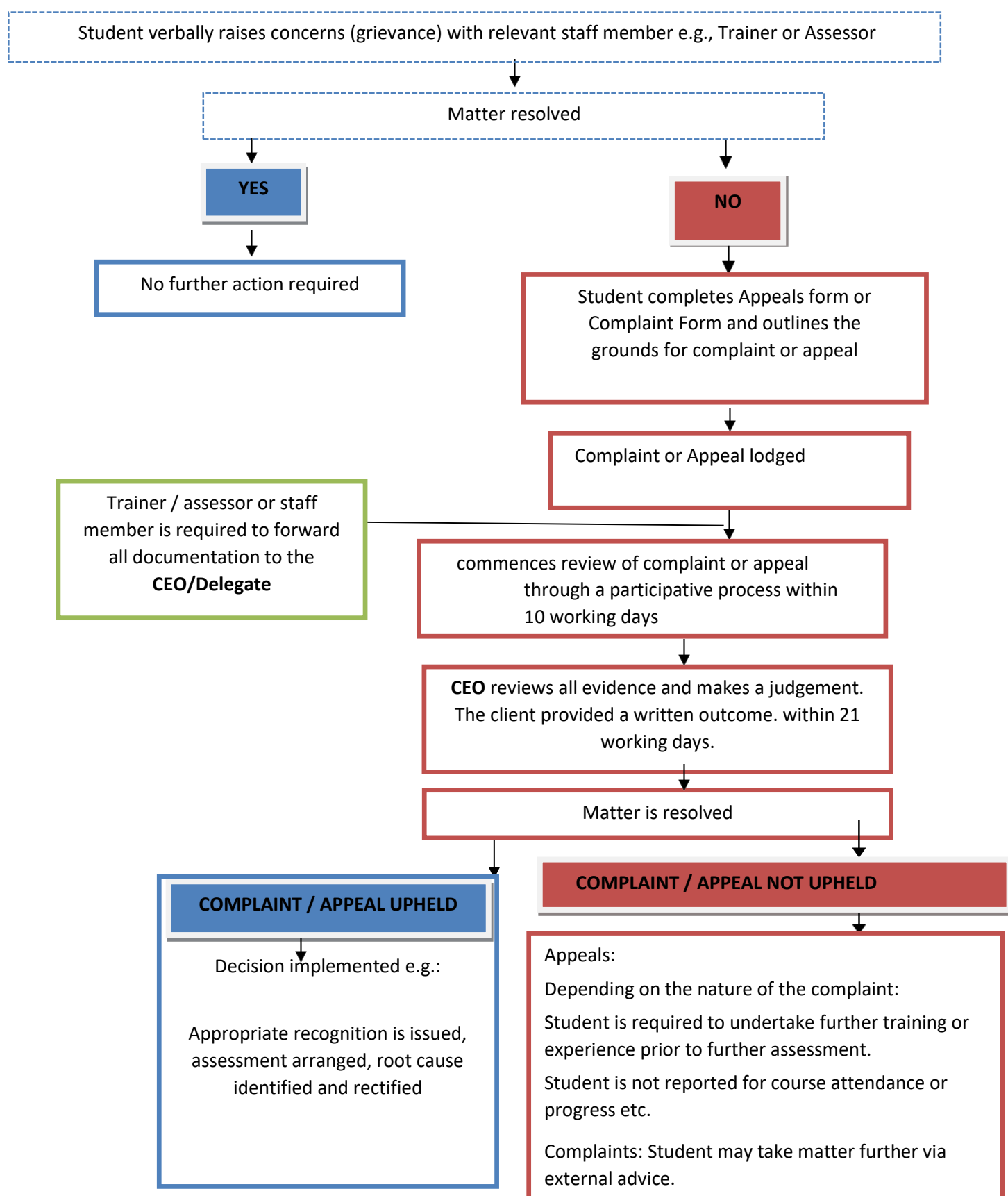
will include:

- How the appeal was dealt with.
- The outcome of the appeal.
- The timeframes for resolution of the appeal.
- The potential causes of the appeal; and
- The steps taken to resolve the appeal.

All documentation from Refund processes is maintained in accordance with Records Management Policy. (See Records Management Policy)

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Appeals and Complaints Process Flowchart



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6 RESPONSIBILITIES

Role within RTO	Area of responsibility
CEO	Approval Authority
Student Support Officer	Development/Review
Training and Compliance Manager	Monitoring and Evaluation
Administration Manager	Compliance
Accounts Manager	Implementation

CEO of Salford College is the Appeals Resolution Officer. CEO may delegate responsibility for the resolution of the appeal if necessary.

Details concerning the scope of the Appeals Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Student Handbook and Salford College website.

This policy is provided in full on the Student Written Agreement.

All appeals practices are monitored by Training and Compliance Manager Salford College and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

7 RELATED LEGISLATION AND REGULATIONS

- The National Code of Practice for Providers of Education and Training to Overseas Students 2018, known as [‘the National Code 2018’](#) Standard 10
- [Standards for Registered Training Organisations \(RTOs\) 2015](#)
- [Education Services for Overseas Students Regulations 2001](#) as amended
- [Education Services for Overseas Students Act 2000](#) as amended

8 RELATED POLICIES AND PROCEDURES

- Complaints and Appeals Procedure
- Marketing Policy and Marketing Procedure
- Education Agent Policy
- Engagement Prior to Enrolment Policy and Procedures
- Formalisation of Enrolment Policy and Procedures
- CAF (Complaints and Appeals Form)
- Letters, templates for information to Clients

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