

Complaints and Appeals Policy and Procedure

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Related Documents	<ol style="list-style-type: none">1. Complaints and Appeals Form2. Deferral, Suspension and Cancellation Policy and Procedure

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Purpose

This policy and procedure is in place to ensure the Complaints and Appeals process of Ambridge Institute (“the Institute”) is undertaken in a professional, timely and inexpensive manner for students. The purpose of the Complaints and Appeals Policy is to provide:

- a framework for managing complaints and appeals
- a procedure for investigation of complaints and appeals
- a fair, equitable and confidential means of resolving complaints and appeals

Furthermore, this policy and procedure is in place to comply with the ESOS Act 2000 and Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code).

Scope

This policy is applicable to current and prospective students of the Institute.

Definitions

- **Complaint** refers to an expression of dissatisfaction with academic or non-academic services. A complaint can be raised by a student who believes there are sufficient facts and reasons to support a claim against another party or parties or against a decision made.
- **Appeal** is a process for requesting a review of an official decision made.
- **Academic matters** refer to the issue that involves academic progress, assessment, completion in the course of studies.
- **Complainant** refers to the person who formally lodges a complaint or appeal
- **International Student** refers to a student of the Institute who is not an Australian Citizen or Permanent Resident.
- **Academic Complaint and Appeal** refers to a complaint or an appeal against a decision made about an assessment outcome, failure to meet a satisfactory academic progress, and/attendance or the quality of the course delivery.
- **Non Academic Complaint and Appeal** refers to a complaint or appeal in relation to a service provided by Ambridge Institute, directly or indirectly via a third party that is non-academic in nature.
- **Non-academic matters** refer to other matters that are not covered in academic matters.
- **In writing** refers to any written communication taken place online or offline such as emails and letters.
- **Formal Complaint or Appeal** refers to an official complaint. To be considered a formal complaint or appeal, it must be submitted in writing on the Complaints and Appeals Form.
- **Overseas Students Ombudsman** is a role created under the Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011 to resolve complaints and help private Education Providers improve policies and practices to enhance the quality of International Education in Australia.

Policy

The intent of this policy is to ensure fairness applies to the management of Complaints and Appeals within the Institute. The complaints and appeals handling process will ensure that:

- a. Students will have access to a process for resolving complaints formally.
- b. Complaints and appeals will be processed within the legislative timeframes and requirements as outlined in the procedure.
- c. Complainants will have the right to access the external complaints processes in circumstances where the complainant deems the internal complaint and appeal was not dealt with satisfactorily.

The student's enrolment will be maintained throughout the process. The Institute will 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" until the internal process has been finalised.

This policy applies to all current and prospective students and may include:

1. Academic matters may include but are not limited to:
 - a Course progress
 - b Course attendance
 - c Assessment appeal.

2. Non-academic matters may include but are not limited to:
 - a Complaint against a third party e.g. another student, staff member
 - b Cancellation of enrolment
 - c Refusal to release a student
 - d Marketing and promotion
 - e Course delivery
 - f Bullying and harassment.

General Principles

Complaints will be addressed by taking into consideration their particular circumstances. The following general principles will apply to all complaints:

- a. Complaints raised will be dealt with in a timely manner and in line with the complaints process. Resolution of a complaint can be reached at any stage of the process.
- b. Complaints will be processed within 10 working days after the submission of the complaint.
- c. Students are provided with information to access the external appeals process, if they are not satisfied with the outcome of the internal complaints and appeals process.
- d. The Institute will ensure its implementations changes identified through the internal or external appeals process, when the result is in favour of the student.
- e. Students are able to a support person/s such as a family member, friend, counsellor or other support persons at any time present during the complaints and appeals process. The support person should not be a legal practitioner and the student is obliged to notify the Institute that the person will be attending before the meeting.
- f. Students are able to engage or request an interpreter at any time during the complaints and appeals process.
- g. Details of the complaints, its investigation and outcome will be documented and recorded and filed appropriately and can be requested at any stage of the process by the complainant or respondent
- h. Students are provided with a full explanation in writing of the decisions and action taken as a result of the complaints and/or appeal.
- i. In the event of a complaint not being resolved internally, the Institute and the complainant may appoint an independent arbiter to review the complaints and recommend a solution.
- j. Complainants have a right to appeal if they believe their complaint has not been adequately resolved.
- k. All complaints by students, parents or prospective students are dealt with free of charge.
- l. Students will continue their studies as usual during the complaint process, except in circumstances where their health or safety is potentially at risk or if they pose a health or safety risk to others.
- m. Upon resolution all further investigation ceases, unless, in the interests of improving the services, products or processes the manager involved in the investigation or resolution considers further investigation is warranted

What is a Complaint and Appeal?

A complaint is an expression of dissatisfaction by a student* (hereafter referenced as the complainant) about an issue related to an Ambridge Institute qualification or course, or an individual associated with the Institute which requires review, investigation or action. All students are entitled to access the complaints process.

An appeal is a process whereby a student disputes a decision made by Ambridge Institute or a determination made in regard to a complaint or penalty in relation to an Act of Misconduct.

1. Providing Complaints and Appeals Information to Students

Complaints and appeals can be classified into two categories:

1. Informal Complaints and Appeals
2. Formal Complaints and Appeals

Throughout the complaints or appeals process, the Institute will maintain the student's enrolment whilst the internal complaints and appeals process is ongoing and will keep all parties involved of the steps taken throughout the process.

The Institute will 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" until the internal process is finalised.

2. Nature of Complaints and Appeals

- Ambridge Institute responds to all allegations involving the conduct of:
 - The Institute, its trainers and assessors and other staff.
 - Any third-party providing services on behalf of Ambridge Institute and including education agents.
 - Any student or client of Ambridge Institute.
- Complaints may be made in relation to any of Ambridge Institute services and activities such as:
 - the application and enrolment process
 - marketing information
 - the quality of training and assessment provided
 - training and assessment matters, including student progress, student support and assessment requirements
 - the way someone has been treated
 - the actions of another student.
- An appeal is a request for a decision made by Ambridge Institute to be reviewed. Decisions may have been about:

- course admissions
- refund assessments
- response to a complaint
- assessment outcomes / results
- other general decisions made by Ambridge Institute.

3. Principles of Resolution

- Ambridge Institute is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, Ambridge Institute ensures that complaints and appeals are:
 - responded to in a professional, consistent and transparent manner.
 - responded to promptly, fairly, objectively, with sensitivity and confidentiality.
 - able to be made at no cost to the individual.
 - used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- Ambridge Institute will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.

4. Complaints Process

I. Making a Complaint or Appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.
- Complaints and appeals should be made in writing using the Complaints and Appeals Form, or other written format and sent to Ambridge Institute head office attention to the Chief Executive Officer.
- When making a complaint or appeal, provide as much information as possible to enable Ambridge Institute to investigate and determine an appropriate solution. This should include:
 - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
 - Any evidence you have to support your complaint or appeal.
 - Details about the steps you have already taken to resolve the issue.
 - Suggestions about how the matter might be resolved.

II. Timeframes for Resolution

- The complaint or appeal will be acknowledged in writing within 10 working days.
- The complaints and appeals process will commence within 10 business days of receipt of the application. Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer.
- In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

III. Resolution of Complaints and Appeals

- Some or all members of the management team of Ambridge Institute will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Where a third-party delivering Services on behalf of the Ambridge Institute is involved, they will also be included in the process of resolving the complaint or appeal.
- Each party involved in the complaint or appeal may have a support person of their choice present at meetings scheduled to resolve the issue.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task. The complainant or appellant will be advised in writing of the outcome of the process and the reasons for the findings made.
- The enrolment status of a student will be handled as follows:
 - For international students, Ambridge Institute will maintain a student’s enrolment throughout the internal appeals processes without notifying Department of Education via PRISMS of a change in enrolment status. In the case of an external appeals process it will depend on the type of appeal as to whether Ambridge Institute maintains the student’s enrolment as follows:
 - If the appeal is against Ambridge Institute decision to report the student for unsatisfactory course progress or attendance, the student’s enrolment will be maintained until the external process is completed and has supported or not supported Ambridge Institute decision to report.
 - If the appeal is against Ambridge Institute decision to defer, suspend or cancel a student’s enrolment due to misbehaviour, Ambridge Institute will notify Department of Education via PRISMS of a change to the student’s enrolment after the outcome of the internal appeals process.

IV. Independent Parties

- Ambridge Institute acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Ambridge Institute.
 - For international students, the independent party is the Overseas Students Ombudsman. This service is free of charge. Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Students Ombudsman (OSO). See information under external complaint avenues.
 - Ambridge Institute will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
 - The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation, and any recommendations being actioned by Ambridge Institute.

V. External Complaint Avenues

- Complaints can also be made via the following avenues:

National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning Vocation Education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.
- Email: ntch@education.gov.au

Australian Skills Quality Authority (ASQA):

Complainants may also complain to Ambridge Institute registering body, Australian Skills Quality Authority (ASQA). However, it should be noted that ASQA is not a consumer protection agency and cannot act as an advocate for individual students.

Please refer to the relevant webpage below before making a complaint to ASQA:

<https://www.asqa.gov.au/complaints>

The Overseas Student Ombudsman (OSO)

International students may complain to the OSO if their complaint is in relation to Ambridge Institute:

- refusing admission to a course
- course fees and refunds
- course or provider transfers
- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by your provider
- incorrect advice given by an education agent.

if you believe we have failed to take action or are taking too long to take some action. This might include (for example), failing to provide your results in the normal timeframe, or failing to provide services included your written agreement with Ambridge Institute.

The OSO may not be able to investigate your complaint if you have not already exhausted our formal internal complaints process as above.

Please refer to the following website if you are considering making a complaint:

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students#quality-of-education-provider>

If the Overseas Student Ombudsman's decision is in favour of the complainant, the Institute will ensure that any recommendations arising from the decision will be implemented within 30 working days of the receipt of the decision by the Overseas Student Ombudsman.

VI. Records of Complaints and Appeals

Ambridge Institute will maintain a record of all complaints and appeals and their outcomes and reasons for the outcomes on the Student's file, which will be securely stored according to the Privacy Policy and Procedures.

VII. Documentation for Complaints and Appeals

Where a student lodges a formal complaint or appeal they must be advised of:

- a. The receipt of the complaint or appeal by the Institute and any proposed action to be taken.
- b. The outcome and the reasons for the outcome of the complaint or appeal and any further avenues for appeal available.
- c. All records relating to the complaint and/or appeal will be recorded on the complainant's record and maintained for a minimum of 5 years to allow both parties access to these records upon written request.
- d. All records are considered confidential and will be covered by the Institute's Privacy Policy.

5. Reporting in PRISMS

- a. The Institute will only report an overseas student for unsatisfactory course progress or attendance in PRISMS after:
 - i. the internal and external complaints and appeals process has been completed and the outcome finalised;
 - ii. the overseas student has not accessed the internal complaints and appeals process within 20 working days;
 - iii. the overseas student has chosen not to access the external appeals process; or
 - iv. the overseas student has informed the Institute of his or her decision not to access the appeals process or has withdrawn their appeal in writing.
- b. The Institute will report an overseas student for non-payment of course fees in PRISMS after notifying the student of the cancellation of enrolment as per the *Deferral, Suspension and Cancellation Policy and Procedure*. If the external appeals process has been completed in favour of the overseas student, the Institute will immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcome. This may involve making amendments to the policy and procedure. the Institute will within 5 working days inform and notify the student of the outcome in writing.

6. Submitting Your Complaint

You can lodge your complaint by emailing reception@ambridge.edu.au

7. Further Complaints and Appeals

- a. The Institute will not assist an overseas student who wishes to make a further complaint or appeal after the decision has been finalised through the internal and/or external appeals process.
- b. A student who wishes to make a further complaint or appeal may do so at his or her expense.

Appendix A: Complaints and Appeals Form

- When you lodge a formal complaint, please follow the Complaints and Appeals procedure.
- Ensure you provide evidence to support your complaint/appeal.
- Complainants will be notified of the outcome within ten (10) working days of the Institute receiving the completed form.
- Lodge your complaint by emailing reception@ambridge.edu.au.

STUDENT DETAILS			
Given Name(s)		Family Name	
Student Number		Contact Number	
Postal Address			
Email		Course Enrolled	
This is a complaint <input type="checkbox"/>	Reason for this complaint – please tick		
	<input type="checkbox"/> Trainer (please provide name): _____		
	<input type="checkbox"/> Staff Member (please provide name): _____		
	<input type="checkbox"/> Services (please specify): _____		
	<input type="checkbox"/> Other: _____		
	Have you complained about this issue before?		
	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No	
This is an appeal <input type="checkbox"/>	Appeal details-please tick		
	<input type="checkbox"/> Academic Misconduct	<input type="checkbox"/> Notice of Intention to Report	
	<input type="checkbox"/> Assessment Outcome	<input type="checkbox"/> Notice of Intention to Cancel	
	<input type="checkbox"/> Attendance Records	<input type="checkbox"/> Course Withdrawal	
	<input type="checkbox"/> Course Fees	<input type="checkbox"/> Other _____	
	Appeal's must be lodged within 20 working days of initial result received.		

DESCRIBE YOUR COMPLAINT / APPEAL*
Please outline the reasons for your Complaint / Appeal and attach any supporting evidence or documentation.

OUTCOME OF THE COMPLAINT / APPEAL

DECLARATION

I _____ (complainant or parent/legal guardian for students under 18) certify, that I have read and understand the Complaints and Appeals process. I confirm the information provided in this form is true and correct and to the best of my knowledge.

Signature:	Date:
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PRIVACY NOTICE

The information provided on this form will be used solely to resolve your complaint / appeal. The information provided on this form will not be discussed with any person(s) outside external to the Institute without your permission, unless we are required to do so by law.

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OFFICE USE ONLY

Receiving staff member:		Date:	
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Complaints/Appeals Outcome:	<input type="checkbox"/> Successful <input type="checkbox"/> Unsuccessful
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I confirm all required action has been completed and the complainant (student and/or parent/legal guardian has been informed of the outcome: Yes No

Staff Members Name:		Date:	
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Signature:		Scanned &Filed:	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Procedure

Step 1: Informal Complaint or Appeal

STEPS	PROCEDURE	RESPONSIBILITY
1	Speak to the teacher/trainer or another Institute staff member in the first instance.	Student/Complainant
2	Inform the relevant person of the issue and/or situation. For academic matters speak to the Academic Director. For all other matters speak to the Team Leader Student Services.	Trainer/Ambridge Institute Staff member
3	Academic matters: Academic Director resolves the matter or provides a response to the student on the matter.	Academic Director
4	Other non-academic matters: Assist in resolving the matter or by providing a response to the student on the matter.	Team Leader Student Services
6	Not satisfied with the result/outcome: Complete and submit the <i>Complaints and Appeals Form</i> within 20 working days of receiving the initial outcome.	Student/Complainant

Step 2: Formal Complaint or Appeal

STEPS	PROCEDURE	RESPONSIBILITY
1	Complete and submit the <i>Complaints and Appeals Form</i> . Gather documents as evidence to support your complaint or appeal within 20 working days from the date the initial outcome was received.	Student/Complainant
2	Submit the completed 'form' together with supporting evidence, at Reception.	Student/Complainant
3	Conduct a meeting with the relevant staff to assess the complaint or appeal lodged by the complainant.	Team Leader Student Support
4	If required, invite the complainant and other relevant staff members to attend a meeting. Inform the complainant they are able to have a support person present during the meeting. Ask the complainant if they need a translator/interpreter. Inform the complainant they will receive in writing the outcome of their complaint or appeal.	Student Support Officer
5	If the complaint or appeal cannot not be resolved satisfactorily, the General Manager will make the final decision.	Ambridge Institute Staff and/or GM
6	Outcome is in favour of the student: The Institute will make changes to its policy and procedure and inform the complainant in writing of the action taken by the Institute to rectify the matter.	General Manager/Delegate

7	Provide a response in writing to the complainant within 10 working days after the <i>Complaints and Appeals Form</i> has been received.	General Manager/Delegate
INTERNAL APPEAL		
8	Outcome is in favour of Ambridge Institute: Access the internal appeals process by completing and lodging the <i>Complaints and Appeals Form</i> within 20 working days from the date the initial outcome was received. Provide additional evidence to support the appeal.	Student/Complainant
9	Application assessed and written outcome of the appeal provided to the complainant within 10 working days of appeal receipt.	General Manager/Delegate
10	Internal Appeal Outcome is in favour of the Student: Ambridge Institute will make changes to its policy and procedure and inform the complainant in writing of the action taken by the Institute to rectify the matter.	General Manager/Delegate
11	Internal Appeal Outcome is in favour of Ambridge Institute: Provide the complainant written advise on the outcome within 10 working days of the appeal receipt. Inform the complainant of their right to lodge an external appeal to an External Independent Organisation (body).	General Manager/Delegate
EXTERNAL APPEAL BEGINS		
12	Notifies the Institute of the intention to access the external appeals process within 10 working days of receipt of the written outcome. Accesses the external appeals body as per the information provided by the Institute.	Student/Complainant
13	Conducts a review and assessment of the internal process followed by the Institute.	External Appeals Body
14	Provides evidence of the process and relevant policy and procedure to the external appeals body.	General Manager/Delegate
15	Evidence is assessed, the Institute and complainant are notified of the appeal outcome.	External Appeals Body
16	External Appeal Outcome is in favour of Ambridge Institute: No further action required.	Ambridge Institute
17	External Appeal Outcome is in favour of the Student: The Institute will make changes to its policy and procedure and inform the complainant in writing of the action taken by the Institute to rectify the matter.	General Manager/Delegate

Document Control

The policies and procedures, and the forms included in this document are approved and implemented by the Institute. This document will be electronically available to the Institute staff in protected format (PDF file) in the designated folder. Any ongoing changes made to this document are recorded below.

Version	Authorised By	Description of the change	Approved Date	Effective Date
<i>Version 1</i>	<i>General Manager</i>	<i>Updated Complaints and Appeals Policy and Procedure</i>	<i>24 June 2019</i>	<i>24 June 2019</i>