

Student Complaints and Appeals Policy & Procedure

1. Policy

- 1.1 This policy and procedure apply to international students who are enrolled at The Centre of Excellence.
- 1.2 If a student has a complaint that they wish to raise with The Centre of Excellence they are encouraged to do so through the Complaints and Appeals procedure. Students are also encouraged to appeal any The Centre of Excellence decision if they feel they have valid grounds via the Appeals process as per this policy. This includes assessment and RPL decisions.
- 1.3 Students may lodge informal and formal complaints. Students can complain about any decision made by a third-party providing services on The Centre of Excellence's behalf, its trainers, assessors, fellow students or others. Students may also access The Centre of Excellence's internal and external appeals process.
- 1.4 The Centre of Excellence has a procedure for informal/ formal complaints and internal and external appeals processing/ handling.
- 1.5 All complaints and appeals lodged will be used for continuous improvement purposes.
- 1.6 The CEO is responsible for implementing this policy and reviewing its effectiveness in compliance with regulatory guidelines.
- 1.7 This policy will be implemented in compliance with the requirements of the Standards of Registered Training Organisations (RTOs) 2015 Standard 6 and the National Code of Practice 2018 Standard 10.
- 1.8 This policy and procedure apply to all The Centre of Excellence international students and staff.
- 1.9 Students' right to access Australian consumer protection law and other legal remedies is not affected by this policy and procedure.
- 1.10 All students are provided information on The Centre of Excellence Complaints and appeals policy and procedure pre and post-enrolment.
- 1.11 Students may be accompanied and assisted by a representative at any time.
- 1.12 Students' enrolments are maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined.
- 1.13 If there is any matter arising from a student complaint or appeal that is a systemic issue that requires improvement action this will be reported to The Centre of Excellence management meeting as part of the continuous improvement process.
- 1.14 The student will incur no cost during the complaints and appeals process unless they seek external representation.
- 1.15 Complaints and appeals are taken seriously by The Centre of Excellence and action is commenced within 5 days of receipt of a complaint or appeal. The Centre of Excellence acts 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.
- 1.16 Students are provided with the opportunity to lodge their complaint or appeal in writing.
- 1.17 The principles of natural justice and procedural fairness are consistently applied when The Centre of Excellence is implementing this policy and procedure.
- 1.18 The Centre of Excellence encourages all parties to approach a complaint or appeal with an open view and to attempt to resolve problems in a fair, unbiased and equitable manner through discussion and conciliation.
- 1.19 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair, unbiased and equitable to all parties.
- 1.20 Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the Institute.
- 1.21 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 The Centre of Excellence staff and make an informal complaint about any issue relating to their training. Students can lodge a complaint against any decision made by a third-party providing services on The Centre of Excellence's behalf, its trainers, assessors, fellow students or others.
- 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. All parties are encouraged to approach a complaint or appeal with an open view and attempt to resolve problems in a fair, unbiased and equitable manner through discussion and conciliation.
- 2.3 Any staff member can be involved in this informal process to resolve issues. Complainants will be forwarded a letter (by email or post) acknowledging the receipt of their informal complaint and a copy of this policy and procedure within 5 working days of The Centre of Excellence receiving the informal complaint.
- 2.4 Parties identified in the complaint will be notified in writing about the complaint (including details) and invited to respond in writing to present their side of the matter. The Centre of Excellence gives all parties every opportunity to present their point of view/ position during this process and try to resolve the issue to the satisfaction of the complainant where possible.
- 2.5 Staff members refer students to the Academic Coordinator if they feel they cannot or it is not appropriate for them to try and resolve the complaint/ issue. The Academic Coordinator may seek advice from or delegate the handling of the complaint to the (name alternative position/ personnel).
- 2.6 Staff may arrange a future meeting with the student if further investigation is required.
- 2.7 If the complaint is against the Academic Coordinator the (Director of Studies/ CEO) should be approached and deal with the complaint.
- 2.8 The outcome of the informal complaint should be communicated to the student within 10 working days of lodgment.
- 2.9 Students who are not satisfied with the outcome of the informal process are encouraged to lodge a formal complaint.
- 2.10 All staff members should log informal complaints and outcomes in the complaints & appeals register for continuous improvement purposes.

3. Formal process - General Complaints

- 3.1 Students are encouraged to approach any member of The Centre of Excellence staff and make a formal complaint about any issue relating to their training. Students can lodge a complaint against any decision made by a third-party providing services on The Centre of Excellence's behalf, its trainers, assessors, fellow students or others.
- 3.2 If dissatisfied with the outcome of the informal complaints process, students should complete the Complaints & Appeals form (with assistance from the Academic Coordinator if required).
- 3.3 Students should lodge formal complaints using the Complaints & Appeals form located in the International student handbook and The Centre of Excellence website.
- 3.4 Complaints & Appeals forms are to be submitted to: Reception (Student Support Officer, The Centre of Excellence at Level 4, 406 Collins Street, Melbourne Victoria 3000 or by e-mail to studentsupport@coe.vic.edu.au. The complaint will then be forwarded to Academic Coordinator.
- 3.5 If the complaint is against the Academic Coordinator the (Director of Studies/ CEO) will deal with the complaint. In this instance submit the complaint form to the (Director of Studies/ CEO) of The Centre of Excellence at Level 4, 406 Collins Street, Melbourne Victoria 3000 or by e-mail to studentsupport@coe.vic.edu.au
- 3.6 Complainants will be forwarded a letter (by email or post) acknowledging the receipt of their formal complaint and a copy of this policy and procedure within 5 working days of The Centre of Excellence receiving the formal complaint form. The Centre of Excellence processes the complaint/ appeal within 10 working days of lodgment.

- 3.7 Parties involved in the complaint will be notified in writing about the complaint (including details) and invited to respond in writing to the complaint. The Centre of Excellence gives all parties every opportunity to present their point of view/ position during this process and try to resolve the issue to the satisfaction of the complainant where possible.
- 3.8 The Academic Coordinator or (Director of Studies/ CEO) will investigate the complaint and liaise with appropriate staff (if/ when appropriate) to ensure all the facts are considered prior to make any decision. All parties are encouraged to approach a complaint or appeal with an open view and attempt to resolve problems in a fair, unbiased and equitable manner through discussion and conciliation.
- 3.9 If appropriate the Academic Coordinator may seek advice from internal/ external Welfare Support services and/ or involve welfare support personnel in the handling of the complaint. Students may request assistance from the Student support officer during any part of the complaints process including during meetings.
- 3.10 If appropriate the Academic Coordinator may seek advice from (Director of Studies/ CEO) in the handling of the complaint.
- 3.11 If appropriate Director of Studies/ CEO may implement The Centre of Excellence's Critical Incident policy if they believe the issue meets the criteria to be deemed so.
- 3.12 The Director of Studies/ CEO may delegate the handling of the complaint to the (name alternative position/ personnel) if appropriate.
- 3.13 The Academic Coordinator may arrange a meeting with the student during the investigation process if appropriate. Other parties identified in the complaint/ allegations may attend the meeting.
- 3.14 If a meeting is initiated the Academic Coordinator will attend the meeting and provide the complainant with an opportunity to present their side of the matter.
- 3.15 Meeting minutes will be taken and made available to all parties.
- 3.16 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.
- 3.17 At any meeting the student has the opportunity to submit and discuss any evidence in support of their complaint.
- 3.18 The Academic Coordinator will consider all evidence from the student, and/ or other parties and/ or The Centre of Excellence prior to coming to any decision.
- 3.19 The Academic Coordinator will clarify evidence/ information to ensure they fully understand all aspects of the issue.
- 3.20 On reviewing the evidence the Academic Coordinator will attempt to negotiate a resolution to the issue/ complaint. The Academic Coordinator will approach the resolution with an open view and to attempt to resolve problems in a fair, unbiased and equitable manner through discussion and conciliation.
- 3.21 The Academic Coordinator notifies the student in writing of The Centre of Excellence's decision within 5 working days of the decision being made. This will include reasons for the decision.
- 3.22 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 how to access the process.
- 3.23 All formal complaints and outcomes are recorded in the Complaints and Appeals Register. If appropriate the continuous improvement register will be updated.
- 3.24 If a student's complaint is substantiated through this process the Academic Coordinator will take immediate corrective action.
- 3.25 All relevant documentation relating to the complaint is stored in the student's file.
- 3.26 If the complainant is unsatisfied with the outcome of the formal complaint process, they may access The Centre of Excellence internal appeals processes. The internal appeals procedure is outlined below.

4. Internal appeals process – General appeals

- 4.1 If students are not satisfied with a The Centre of Excellence decision they may appeal by accessing the appeals process. All parties are encouraged to approach the appeal with an open view and attempt to resolve problems in a fair, unbiased and equitable manner through discussion and conciliation.

- 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 situations identified in clauses 4.4 and 4.5 of this procedure.
- 4.4 The outcome of a formal complaint.
- 4.5 The outcome of action being brought against the student for breaching the code of conduct or a decision made by The Centre of Excellence that impacts the student.
- 4.6 Students must have reasonable grounds for an appeal and include all supporting evidence with the Complaints & Appeals form.
- 4.7 The Academic Coordinator can assist students with completing the Complaints and Appeal form (or the (name alternative position/ personnel) if the complaint is against the Training Coordinator).
- 4.8 The Academic Coordinator is not able to assist students in establishing if they have reasonable grounds for an appeal.
- 4.9 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. Students may request assistance from the Student support officer during any part of the appeals process including during meetings.
- 4.10 If the appeal is in relation to the Academic Coordinator and/ or his decisions another member of staff will deal with the process. This will be the (Director of Studies/ CEO).
- 4.11 If the appeal is lodged as a result of the outcome of a complaint, the staff member who dealt with the complaint will not handle the appeal.
- 4.12 Students must lodge an appeal within 20 working days of being notified by The Centre of Excellence of any decision they wish to appeal.
- 4.13 Students must lodge appeals using the Complaints & Appeals form located in the International student handbook/ website via e-mail to studentsupport@coe.vic.edu.au . Students will be forwarded a letter (by email or post) acknowledging the receipt of their appeal and a copy of this policy and procedure within 5 working days of The Centre of Excellence receiving the Complaints and appeals form.
- 4.14 Complaints & Appeals forms are to be submitted to: Reception (Student Support Officer), The Centre of Excellence at Level 4, 406 Collins Street, Melbourne Victoria 3000 or by e-mail to studentsupport@coe.vic.edu.au. If the appeal is against a decision undertaken by the Academic Coordinator the appeals form is to be forwarded to the (Director of Studies/ CEO).
- 4.15 The appeals process will commence within 5 working days of lodgment and the outcome communicated to the student within 20 working days of lodgment. On receiving an appeal The Centre of Excellence will arrange a meeting to take place and inform the student in writing.

Other parties involved in the appeal will be notified in writing about the appeal (including details) and invited to respond in writing. The Centre of Excellence gives all parties every opportunity to present their point of view/ position during this process and try to resolve the issue to the satisfaction of the appellant where possible.
- 4.16 The student and representative (if requested), Academic Coordinator (or (Director of Studies/ CEO) if the appeal is against an Academic Coordinator's decision) will attend the meeting.
- 4.17 Staff handling the appeal provide all parties with every opportunity to present their case during this process and try to resolve the issue to the satisfaction of the student where possible.
- 4.18 The Centre of Excellence considers all the evidence and liaises with appropriate staff if necessary, to ensure all the facts are considered prior to make any decision.
- 4.19 If appropriate The Centre of Excellence staff may seek advice from external welfare support services and/ or academic staff.
- 4.20 If appropriate staff may implement The Centre of Excellence Critical Incident policy if they believe the issue meets the criteria to be deemed so.
- 4.21 The Centre of Excellence representatives will clarify evidence/ information to ensure they fully understand all aspects of the issue.
- 4.22 All evidence will be reviewed in a fair, unbiased, equitable and impartial manner in coming to a decision.

- 4.23 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.
- 4.24 The Centre of Excellence staff discuss the reasons for the decision with the appellant.
- 4.25 If the outcome is in favour of the student, The Centre of Excellence will immediately commence corrective/improvement action.
- 4.26 Students have forwarded 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 (if appropriate). Information on how to access this process is also provided.
- 4.27 The complaints and appeals register is updated. The continuous improvement register may also be updated.
- 4.28 All evidence will be placed in the student's file.
- 4.29 There are no further avenues within The Centre of Excellence for complaints or appeals after the internal appeals process has been completed, however, an external appeals process is available to students.
- 4.30 Details of the external appeals process and how students may access it are outlined below.
- 4.31 Students may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the student are to be met 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. Students may request assistance from the Student support officer during any part of the appeals process including during meetings.
- 5.4 If the assessor feels there are reasonable grounds for the appeal, he/ she will decide to re-assess the student.
- 5.5 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 student's 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 complaint 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: Reception (Student Support Officer), The Centre of Excellence at Level 4, 406 Collins Street, Melbourne Victoria 3000 or by e-mail to studentsupport@coe.vic.edu.au. It will then be forwarded to Academic Coordinator.
- 5.8 The Academic Coordinator will deal with this process. Students will be forwarded a letter (by email or post) acknowledging the receipt of their appeal and a copy of this policy and procedure within 5 working days of The Centre of Excellence receiving the Complaints and appeals form.
- 5.9 The Academic Coordinator 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. Other parties involved in the appeal will be notified in writing about the appeal (including details) and invited to respond in writing. The Centre of Excellence gives all parties every opportunity to present their point of view/ position during this process and try to resolve the issue to the satisfaction of the appellant where possible.
- 5.10 The Academic Coordinator will invite the student and other party/ies to attend a meeting and present their evidence (if appropriate). All parties are encouraged to approach the appeal with an open view and attempt to resolve problems in a fair, unbiased and equitable manner through discussion and conciliation. The (Director of Studies/ CEO) will also review all evidence in an impartial manner. If the (Director of Studies/ CEO) decides that the students appeal be upheld the following will apply.
- 5.11 The assessment submission in question will be marked again by the assessor or an additional opportunity to demonstrate competency provided to the student or another assessor will mark the submission or another assessor

will provide an additional opportunity for the student to demonstrate competency (the relevant factors impacting the appeal and circumstances will be considered in deciding on the most appropriate course of action).

- 5.12 The Centre of Excellence will document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the student's file.
- 5.13 The student will be awarded the grade that gives them the most favourable outcome between the two submissions.
- 5.14 If the student's appeal is refused he/she will be sent written notification of the outcome within five 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.
- 5.15 Students can only appeal an assessment decision once.
- 5.16 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.
- 5.17 Students may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the student are to be met by the student.

6. External appeals process

- 6.1 External appeals may only be lodged if a student thinks The Centre of Excellence has not followed this Complaints and Appeals policy and procedure. Students can lodge an external appeal against any decision made by a third party providing services on The Centre of Excellence's behalf, its trainers, assessors or others.
- 6.2 Students may access the external appeals process with the Overseas Student Ombudsman <http://www.ombudsman.gov.au/How-we-can-help/overseas-students>. Students may request assistance from the Student support officer during any part of the external appeals process including during meetings.
- 6.3 Students must lodge external appeals using the Complaints & Appeals form located in the International student handbook or available from studentsupport@coe.vic.edu.au.
- 6.4 Complaints & Appeals forms are to be submitted to: Reception (Student support), The Centre of Excellence at Level 4, 406 Collins Street, Melbourne Victoria 3000 or by e-mail to studentsupport@coe.vic.edu.au. Students will be forwarded a letter (by email or post) acknowledging the receipt of their appeal and a copy of this policy and procedure within 5 working days of The Centre of Excellence receiving the Complaints and appeals form. Other parties involved in the appeal will be notified in writing about the appeal (including details) and invited to respond in writing.
- 6.5 The Centre of Excellence will forward all external appeals to the Overseas Student Ombudsman within five working days of lodgment.
- 6.6 The Overseas Student Ombudsman will advise the student that in general, the purpose of the external appeals process is to determine whether The Centre of Excellence has followed its internal complaints and appeals policy and procedure.
- 6.7 The Overseas Student Ombudsman will not review the evidence or make a decision in place of the one made by The Centre of Excellence.
- 6.8 Students will not incur costs in accessing the external appeals process unless they seek external representation.
- 6.9 All documentation is placed in the student's file.
- 6.10 The Overseas Student Ombudsman will provide a written statement of the outcome including reasons and details for the decision to the appellant and The Centre of Excellence at the completion of the external appeals process.
- 6.11 If the outcome of the external appeals process results in a decision favoring the student, The Centre of Excellence 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 The Centre of Excellence as per the Overseas Student Ombudsman's advice.
- 6.12 The student will be contacted within 2 working days of receiving notification from the Overseas Student Ombudsman of the decision.

6.13 The student may access and receive the outcome of only one external appeals process

7 Extending the duration of the Complaints and/ or appeals process

- 7.1 If The Centre of Excellence considers that due to the nature of the complaint or appeal that more than 60 days are required to process the complaint or appeal the following will apply:
- The Centre of Excellence will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required.
 - During the period of processing the complaint of appeal The Centre of Excellence will regularly update the complainant or appellant in writing on the progress of the matter.

8. International students appealing The Centre of Excellence intention to report for unsatisfactory course progress, or appealing a decision to suspend or cancel their enrolment

- 8.1 If an international student receives notification from The Centre of Excellence informing them that The Centre of Excellence intends to report them for failing to maintain satisfactory course progress (as per student visa requirements and The Centre of Excellence Course progress policy and procedure), students have to the right to appeal the decision.
- 8.2 If an international student receives notification from The Centre of Excellence informing them that The Centre of Excellence intends to suspend or cancel their enrolment for misconduct/misbehaviour or in accordance with the Defer, suspend or cancel enrolment policy and procedure, students have to the right to appeal the decision.
- 8.3 Appeals must be lodged in writing on the Complaints and Appeals form and include verifiable supporting documentation/ evidence.
- 8.4 Complaints and appeals forms are found in the International student handbook, available from The Centre of Excellence reception at or on request from studentsupport@coe.vic.edu.au. Complaints and appeals forms are to be submitted to the Academic Coordinator, The Centre of Excellence at Level 4, 406 Collins Street, Melbourne Victoria 3000 or by e-mail to studentsupport@coe.vic.edu.au.
- 8.5 Students have 20 working days to lodge an appeal against The Centre of Excellence decision.
- 8.6 Students must attend all scheduled classes during the complaints and appeals process and complete all related coursework and assessments.
- 8.7 If a student chooses to access the Complaints and appeals processes to appeal the intention to report the student to the DHA/ DoE or suspend or cancel their enrolment, The Centre of Excellence will maintain the student's enrolment while the internal and external appeals processes are ongoing.** unless in the circumstances identified in clause 8.8.
- 8.8 The Centre of Excellence may decide to suspend or cancel a student's enrolment before the internal or external appeals process elapsed or before the conclusion of the appeal process is known if there are extenuating circumstances. E.g. serious risk being posed to the student, other students and/ or The Centre of Excellence staff by maintaining the student's enrolment.

9. Suspending and cancelling international student enrolments

- 9.1 The Centre of Excellence waits until 20 working days after notifying the student of The Centre of Excellence's intention has elapsed, or the outcome of any appeal is known or the student withdraws from the appeal process before suspending or cancelling an enrolment.
- 9.2 Enrollments are suspended or cancelled via PRISMS with reasons noted and all documentary evidence placed in the student's file.
- 9.3 Students are notified of the impact of suspending and/ or cancelling their enrolment on their student visa at all stages during the relevant process in person and in formal communication from The Centre of Excellence.
- 9.4 All documentation relating to cancelling an enrolment is stored in the students' file.

10. Continuous Improvement

- 10.1 Information collected during the complaints and appeals process will be securely stored and used for continuous improvement purposes.
- 10.2 All records and information collected will be stored in a locked office. Hardcopy records in a locked filing cabinet, and soft copy records on a PC which is password protected.
- 10.3 Soft copy data is backed up in cloud and externally
- 10.4 As part of the continuous improvement process, information gained during the processes will be analysed, and appropriate action will be taken to eliminate or mitigate the likelihood of the issues reoccurring.

Further information

The Centre of Excellence's Complaints and Appeals policy and procedure in no way effects the students right to access consumer affairs legislation and legal representation.

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 The Centre of Excellence.

National VET Regulator

Australian Skills Quality Authority

Web: www.asqa.gov.au

Email: enquiries@asqa.gov.au

Phone: 1300 701 801

Documents to be employed when implementing this policy and procedure:

- International student handbook
- Complaints and Appeals form
- Complaints and Appeals register
- Continuous improvement policy and procedure
- Continuous improvement register
- Defer, suspend or cancel enrolment policy and procedure
- Course progress policies and procedures
- SMS
- Student files