

Complaints and Appeals Policy and Procedure

Policy

Complaints and Appeal Policy and Procedure outlines the provisions and process for complaints and appeals to be heard and actioned where necessary.

Scope

Despite all efforts of CAC to provide satisfactory services to its students' complaints may occasionally arise that require formal resolution. This policy provides clear instruction and guidance for students, staff, trainers and assessors and third party providing services on behalf of CAC, regarding the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved.

Relevant standards, acts and legislation

The Complaints and Appeal Policy and Procedures are within the scope of compliance requirement adhering to the SRTO 2015 Standard 6 clauses 6.1 – 6.6; The National Code 2018 Standard 10; 2018-19 Standard VET Funding Contract Skills First Program Clause 12. VET Student Loans Rules 2016 Section 88.

Definitions

Term	Definition
Appeals	An appeal may include but is not limited to: <ul style="list-style-type: none"> Assessment process and decision Academic progress decisions
ASQA	Australian Skills Quality Authority
CEO	Chief Executive Officer
Complaints	A complaint may include but is not limited to: <ul style="list-style-type: none"> Course advice and enrolment Suspension and/or cancellation of enrolment Program delivery Marketing and promotional activity Personal safety Customer service and administration Issue of results, certificates, statement of attainment Learning resources Fees and charges Equity and access, discrimination, harassment and bullying
DoHA	Department of Home Affairs
National Code	Education Services for Overseas Students Act 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018
SRTO 2015	Standards for Registered Training Organisations 2015

Policy

The purpose of this policy is to affirm CAC's commitment to provide fair and equitable environment for the learners and staff. It ensures:

1. Ensure students are informed about the complaints and appeals policy and procedure

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2. To allow students to requests for a review of decisions, including assessment decisions made by CAC or a third party providing services on its behalf.
3. It ensures that the principles of natural justice and procedural fairness are adopted at every stages of complaint and appeal process.
4. It provides for review of the complaints by an appropriate party independent of CAC and the complainant and the appellant, at the request of the individual making the complaint or appeal, if the process fails to resolve the complaint or appeal.
5. To identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of occurrence.
6. To maintain records of all complaints and appeals procedures.
7. To ensure complaints are treated confidentially and identity of complainants kept confidential to the extent possible where requested, except where the law otherwise provides. In handling complaints CAC shall comply with the requirements of privacy legislation
8. Internal complaints and appeals process will be at no cost to the student.
9. CAC must maintain the students' enrolment while the complaint and appeals process is ongoing.
10. All issues must be addressed in a timely manner and treated in the strictest confidence.
11. Complaints shall be handled as an opportunity for organisations continuous improvement

Complaints Handling:

a. Complaints about academic matters

- i. Complaints related to academic results, academic process, academic conduct, curriculum or awards Statement of Attainment or Qualification Certificates is addressed informally by the relevant Training Manager/Coordinators according to the Complaints Handling procedure indicated in section 2 and 3. Formal complaint shall be escalated to the RTO Operations Manager and CEO.
- ii. Appeals related to academic results, academic process, academic conduct, curriculum or awards Statement of Attainment or Qualification Certificates is addressed by the RTO Operations Manager according to the Appeals Process outlined in section 4 below.

b. Complaints about non-academic matters

- i. Complaints related to non-academic matters including matters relating enrolment in a course and personal information held by the provider is addressed by the Administration Manager according to the Complaints Handling Procedure indicated in section 2 and 3. Formal complaint shall be escalated to the RTO Operations Manager and CEO.
- ii. Appeals related to non-academic matters including matters relating enrolment in a course and personal information held by the provider is addressed by the RTO Operations Manager according to the Appeals Process outlined in section 4 below.

In order to achieve the above-mentioned policy statements, the CEO /the RTO Manager shall arrange for:

1. Informed students
2. Informal complaint process
3. Formal complaint process
4. Appealing a decision
5. External appeals process
6. Continuous improvement

Procedure

The following procedure outlines the steps that CAC would undertake in addressing complaints and appeals raised:

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1. Informed students

- All prospective students are informed about the Complaints and Appeals Policy and Procedure in the pre-enrolment and enrolment process.
- Students are informed about the complaints and appeals procedure in detail during the orientation.
- Complaints and Appeals Policy and Procedure is made available in CAC website and student handbook.

2. Informal complaint process

- Any student who has a complaint is encouraged to firstly raise the matter directly with the CAC staff involved or with student support officer, trainer or training coordinator and attempt an informal resolution to the complaint.
- Where possible all non-formal attempts shall be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the student's grievance.
- When a complaint or appeal cannot be resolved through informal discussion, the complainant is asked to complete a Complaints and Appeals Form.

Once a student has placed a formal complaint / appeal the following procedures must be followed.

3. Formal complaint process

- A student wishing to submit a formal complaint or appeal can do so by completing the 'Complaints and Appeals Form' and state their case providing as much details as possible. This application form can be gained by contacting Student Administration at CAC.
- Any student, potential student, or third party may submit a formal complaint to CAC with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.
- Complainants are to include the following information in the Complaints and Appeals form:
 - Submission date of complaint
 - Name of complainant
 - Nature of complaint (Detail description of the complaint)
 - Date of the event which lead to the complaint
 - Attachments (if applicable)
- All formal complaints or appeals are then submitted to the Student Administration Manager. It is their responsibility to register the complaint in the first instance.
- Once a formal complaint is received the Administration Manager is to complete the 'Office Use Only' section on the submitted 'Complaints and Appeals form.' This includes:
 - the documentation of the date the Administration Manager received the complaint/ appeal
 - the date and the name of the manager that is notified of the complaint/appeal
 - the date on which the 'Complaints and Appeals Register is updated'.
- The specific information regarding the complaint/ appeal is to be documented in the 'Complaints and Appeals Register' which is monitored by the Training Manager/Coordinator regularly. The information to be contained and updated within the register are as follows:
 - Submission date of complaint
 - Name of complainant
- Once a complaint has been filed and logged in the 'Complaints and Appeals Register' the Student Administration Manager shall send an acknowledgement of the complaint to the complainant and notify the Training Manager of the complaint and provide any further documentation related to the matter.
- Student Administration Manager and the Training Manager shall assess the nature of complaint and assign a priority based on the urgency of the issue.

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- The Training Manager/ Coordinator shall ensure the process of addressing the complaint /appeal commences Within 10 working days of the formal lodgement of the complaint/ appeal.
 - Where it is determined that the subject matter falls within the definition, the Training Manager/Coordinator or nominee will:
 - a. Gather such information as required to assist with the settlement of the complaint, including providing the respondent with the statement of the complaint and giving them the opportunity to respond
 - b. Attempt to resolve the complaint by using the process outlined by the student for settlement (if appropriate) or through meeting, mediation and/or conciliation.
 - c. The Training Manager may refer the matter to the appropriate staff to resolve, or make a decision on the complaint ensuring that all reasonable measures are taken to finalise the process as soon as practicable.
 - d. The Training Manager is to keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
 - Where it is determined that the subject matter of the complaint falls outside the definition of a complaint, the Student Services Manager or nominee will advise the student accordingly.
 - Students will be provided with details of external authorities they may approach, if required.
- A student may be assisted or accompanied by a support person regardless of the nature of the grievance or complaint throughout the process.
- Once a decision has been reached the Training Manager shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing.
 - Copies of all documentation, outcomes and further action required will be placed into the ‘complaints and appeals register’ by the Student Administrations Manager.
 - Within the notification of the outcome of the formal complaint the students shall also be notified that they have the right of appeal the decision.
 - If a student is dissatisfied with the outcome of the formal complaint process, they may initiate an internal appeal process by completing the Complaints and Appeals form, this time ticking on the appeals box.
- Complaints are treated confidentially and the identity of the complainant is kept confidential. If the complaint is about the internal staff such as Trainer or Assessor, marketing or agents student identity will not be disclosed. All parties involved in the issue will be treated with respect and will not be victimised or discriminated against during the process.

4. Appealing a decision

All students have the right to appeal decisions made by CAC where reasonable grounds can be established. The areas in which a student may appeal a decision made by CAC may include:

- Assessments conducted
 - Deferral, suspension, or cancellation decisions made in relation to the student’s enrolment
 - Or any other conclusion / decision that is made after a complaint has been dealt with by CAC in the first instance.
- To activate the appeals process the student is to complete a ‘Complaints and Appeals Form’ which is to include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained. Help and support with this process can be gained from Student Administration Department.
 - The Training Manager/Coordinator shall then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
 - The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.
 - The Training Manager/Coordinator shall ensure that CAC acts on any substantiated appeal.
 - Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed.

4.1. General appeals

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- Where a student has appealed a decision or outcome of a formal complaint they are required to notify CAC in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.
- The appeal shall be lodged through student administrations and the Student Administration Manager shall ensure the details of the appeal are added to the ‘Complaints and Appeals Register’.
- The Training Manager/Coordinator shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
- The student shall be notified in writing of the outcome with reasons for the decisions, and the ‘Complaints and Appeals Register’ updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify CAC if they wish to proceed with the external appeals process.

4.2. Assessment appeals

- Where a student wishes to appeal an assessment they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the students work to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why re-assessment was or was not granted.
- If this is still not to the student’s satisfaction the student shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with Student Administrations Department and the appeal shall be entered into the ‘Complaints and Appeals Register’.
- The Training Manager/Coordinator shall be notified and shall seek details from the assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a ‘third party’. The third party shall be another assessor appointed by CAC.
- The student shall be notified in writing of the outcome with reasons for the decision, and the ‘complaints and appeals register’ updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify CAC if they wish to proceed with the external appeals process.

4.3. Appealing deferrals, suspension or cancellation of enrolment decisions

- Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment they are required to lodge, in writing, a letter outlining the details of their appeal. The student should have extenuating circumstances as to why the decision should be reviewed and any supporting documentation supporting their appeal.
- The appeal shall be lodged this with Student Administrations Department and the appeal shall be entered into the ‘Complaints and Appeals Register’.
- The Training Manager/ Coordinator shall be notified and shall seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal.
- The student shall be notified in writing of the outcome with reasons for the decision, and the ‘Complaints and Appeals Register’ updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify CAC if they wish to proceed with the external appeals process.
- The Training Manager/ Coordinator shall ensure that CAC will act immediately on any substantiated appeal. If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventive action that is required, and advise the student of the outcome.

4.4. Reviewable decision VET Student Loans

Reviewable decisions:

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Certain decisions in the Act are “reviewable decisions”. This means an affected person may request the decision maker to review the decision and apply to the Administrative Appeals Tribunal (AAT) for a review of the reconsidered decision.

Provider decisions regarding re-crediting a student’s HELP balance

A decision by CAC not to re-credit a person’s HELP balance is reviewable [Act s 74].

A review of a decision may be requested by the person affected by the original decision [Act s 76], or without a request if CAC is satisfied there is sufficient reason to do so [Act s 77].

CAC must appoint a review officer to reconsider reviewable decisions made by RTO Operations Manager – that is, a decision made under section 68 not to re-credit a person’s HELP balance (for special circumstances).

The review officer must be appointed by the chief executive officer or a delegate of the chief executive officer.

A review officer must not review a decision they were involved in making and must occupy a position that is not lower than that occupied by the person who made the original decision [Act s 79].

Each application should be examined and determined on its merits. You should consider the person’s claims, together with any independent supporting documentary evidence that substantiates these claims.

Any such request must be submitted to the Review Officer in writing and:

- i. must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period;
- ii. must specify the reasons for making the request and include any supporting documentation.

To initiate the process please contact admin@cac.edu.au

Review by review officer

The review officer must reconsider the decision and either [Act s 76(4)]:

- confirm the decision
- vary the decision or
- set the decision aside and substitute a new decision.

The review officer must provide written notice of the decision and provide a statement of the reasons for making the decision [Act s 76(5) and (6)]. The review officer must advise, in the notice, of the person’s right to appeal to the AAT for a review of the reviewer’s decision if the person is unsatisfied with the outcome [Administrative Appeals Tribunal Act 1975 s 27A].

If the reviewer does not give the person a notice of the decision within 45 days after receiving the person’s request, it is taken that the reviewer has confirmed the original decision [Act s 76(8)].

Where a student is unsatisfied with the reviewed decision they may lodge an appeal with the Administrative Appeals Tribunal (AAT) within 28 days from this written notice from the Review Officer.

The contact details for the AAT are:

Administrative Appeals Tribunal

Level 4

15 William St

Melbourne VIC 3000

Telephone 1800 228 333

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Reporting the remission decision to the department

Where a decision results in the re-crediting of a person's HELP balance, CAC will be notified and must report this outcome via submission of a TCSI revisions file. CAC is required to repay to the Commonwealth any amounts of the VSL CAC received from the Commonwealth on the person's behalf through subsequent reconciliations, unless we decide to issue a separate invoice [Act, s 22].

Treatment of students seeking a review

Your processes and procedures must ensure a student is not victimised or discriminated against for:

- seeking a review or reconsideration of a decision
- using the provider grievance processes or procedures or
- making an application for re-crediting the student's HELP balance [Rules s 90].

5. External Appeals

If a student is still dissatisfied with the decision of CAC, a student may wish to refer the matter to an external independent / third party mediator.

- If an overseas student is not satisfied with the internal appeals process, they will be advised to request mediation through Overseas Student Ombudsman (OSO). Students will have 10 working days to lodge an appeal to the Ombudsman.
- A fee may be involved as per the Overseas Student Ombudsman guidelines
- To lodge an external appeal or complaint with the Ombudsman for international students, you need to lodge a complaint at the following address

Overseas students Ombudsman (www.oso.gov.au)

Web: www.oso.gov.au

Email: overseas.students@ombudsman.gov.au

Call 1300 362 072 (Local call charge)

Enquiries 9 am–5 pm Monday to Friday

Fax 02 6276 0123

Postal GPO Box 442, Canberra ACT 2601

calls from mobile phones are charged at mobile phone rates

If you want to make a complaint in your language you can.

Call the Translating and Interpreting Service (TIS) on 131 450.

Ombudsman will pay for the interpreter.

- If an appeal is against the CAC's decision to report an international student for a breach of visa conditions, CAC must maintain the student's enrolment (i.e. not report the student to DoHA) until the external appeals process is complete and has supported the provider's decision to report.
- International students may only appeal once to an external mediator before CAC reports the student to DoHA. This does not stop the student from appealing more than once, but CAC reserves the right to report the student after the outcome of the first external appeal when the appeal decision has gone against the student.
- If an appeal is against the CAC's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, the Institute only needs to await the outcome of the internal appeals process (supporting the Institute) before implementing its decision to change the student's enrolment status.
- These complaints and appeal procedures do not restrict a student's right to pursue other external remedies within the Australian legal system.
- Domestic students are advised to contact Ombudsman office at Victoria:

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Ombudsman Victoria
Web: www.ombudsman.vic.gov.au Email: ombudvic@ombudsman.gov.au Call: 039613 6222 Hours: 9 am–5 pm Monday to Friday Fax 03 9614 0246
Dispute Resolution Centre of Victoria
Dispute Assessment Officer Web: http://www.disputes.vic.gov.au/ Call: (03) 9603 8370 Address: Level 4, 456 Lonsdale Street, Melbourne 3000

- Alternatively, if the student (complainant) is not satisfied with the outcome of the formal complaint they can escalate the complaint to ASQA

ASQA
Web: https://rms.asqa.gov.au/registration/newcomplaint.aspx Email: asqanet@asqa.gov.au Call: ASQA info line on 1300 701 801

- Where a decision or outcome is in favour of the student CAC shall follow the required action and recommendation from Ombudsman to satisfy the student's complaints soon as practicable.
- The decision of this independent mediator is final and any further action the student wishes to take is outside CAC's policies and procedures. The student shall be referred to the appropriate government agencies and this information can be gained from the CEO.

6. Continuous improvement

CAC shall view each complaint as a scope for continuous improvement as an organisation. Effective complaints handling will improve the quality of services enabling poor performance to be identified and resolved quickly, and highlighting further scope for improvement. Upon resolving the complaint CAC Management team will review and monitor the process/ performance of individuals related to the issue to identify whether any problem exists in other areas.

Policy Reference

- ESOS ACT 2000 National Code 2018 Standard 10
- SRT0 2015 Standard 6 clauses 6.1 – 6.6
- 20118 -19 VET Funding Contract Skills First Program Clause 12
- Department of Education and Training's Victorian Training Guarantee Contract Compliance Complaints Management Guide.
- VET Student Loan Rules 2016 Section 88

Relevant Policies

- Enrolment Policy and Procedure

Relevant Forms and Documents

- Complaints and Appeals Form

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- Complaints and Appeals Register

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