

Student Complaints and Appeals Policy and Procedure			
<b>Document</b>	Student Complaints and Appeals Policy and Procedure		
<b>Current version</b>	2.00	<b>Next Review</b>	01/2024
<b>Approved by</b>	Chief Executive Officer	<b>Date</b>	01/2023
<b>Relevant Standards</b>	The National Code 2018: 3.3.7, 6.1.6, 7.5.2, 10.1, 10.2, 10.3, 10.4		

## 1. Purpose

Purpose of this policy is to ensure that all current and prospective students of NVC are given access to free, effective and fair complaints resolution and appeals processes.

## 2. Scope

This policy applies to all current and prospective students at NVC. Complaints may be related to the RTO, RTO staff, education agents, and any other external stakeholders that engage with international students (e.g. guest speakers, counsellors etc.) during their enrolment with NVC.

## 3. Definitions

**Appeal:** A request to review an adverse decision or an unfavourable outcome that may have arisen from any administrative, academic or disciplinary processes. An Appeal may be an Internal Appeal or an External Appeal

**Internal Appeal:** An appeal against a decision where the appeal is brought under NVC policies and code of conducts or where there is a process for appeal within NVC policies and procedures

**External Appeal:** An appeal to an external agency against a final decision of NVC. Agencies may include the Ombudsman, the Privacy Commissioner, the Equal Opportunity and Human Rights Commissions or Department of Education (In relation to ESOS Act)

**Final Decision:** A decision made by the member of staff authorised by the CEO to make that decision and communicated to the Complainant in writing when all Internal Appeal avenues within college's policy, procedures and codes have been exhausted

**Complainant:** A person lodging a complaint or an appeal

**Respondent:** A person responding to a complaint or an appeal

## 4. Legislative Context

The legislative base for this policy is as follows:

- National Vocational Education and Training Regulator Act 2011 (Cth)

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- Standards for Registered Training Organisations 2015
- The ESOS Act 2000
- Education Services for Overseas Students (ESOS) Regulations 2001
- The National Code 2018
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Equal Opportunity Act 1995

## 5. Policy: Complaints

This policy and procedure ensure that in the event that a student has a complaint concerning any matter in relation to NVC, there is a process in place to ensure that the complaint can be resolved amicably. Students have access to a complaints procedure if they feel they have been unjustly treated, undermined, vilified or harassed in any circumstances. All the complaints will be treated in full confidence and neutrality, without any discrimination.

**5.1** A complaint can be lodged in writing by letter or by email or in person. A student can lodge their complaint with any member of staff but should preferably lodge their initial complaint with the Student Support Officer. The student must lodge their complaint with only one member of staff at NVC. If the complaint needs to be escalated, the staff member will follow the complaint policy. A written record of the complaint will be kept on the student file. All formal complaints or appeals **must be lodged in writing** using NVC's *Complaints and Appeals Form*.

**5.2** NVC will investigate and respond to all complaints lodged by a student in a fair, transparent and professional manner. The process will commence **within 10 working days** of the formal lodgement of the complaint and supporting information and all reasonable measures will be taken to finalise the process in the shortest possible time. If the nature of the complaint requires immediate action, that staff member receiving the complaint will forward the matter directly to the Campus Manager.

If the complaint is in regard to something of a more academic or study related nature, he or she may refer the matter to the Academic Manager without delay. In the event of this happening, the Academic Manager assumes the Campus Manager's duties of this policy for the incident.

**5.3** The students will have the opportunity to formally present their case at no cost, disadvantage or repercussions. The student may be accompanied and assisted by a support person to present their case at any relevant meeting, if the student/complainant chooses to do so.

**5.4** NVC treats all complaints in confidence and will seek the permission of the student before discussing the complaint with any party mentioned or named in the complaint. The student will be given a written statement of the outcome, including details of the reasons for the outcome.

**5.5** Only NVC staff authorised by the CEO can respond to a complaint.

**5.6** NVC shall respond to all complaints including student's dealings with the college, college's education agents or any related party the college has an arrangement with to deliver the overseas student's course or related services (e.g. work placement organisations) in a professional, fair and transparent manner.

**5.7** If the process results in a decision that supports the student, NVC will immediately implement the decision or preventive actions required and advise the Student of the outcome.

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**5.8** Students who are not satisfied with the outcome of their complaint may appeal the decision according to NVC's Internal Appeal Process or choose to lodge an External Appeal with an appropriate agency if they wish to do so. If the student chooses to access NVC's internal complaints and appeals processes, their enrolment will be maintained while the process is ongoing.

**5.9** If the student/complainant is not satisfied with NVC's College's internal complaints handling and appeals process, NVC shall, within 10 working days of concluding the internal review, advise the student/complainant their right to access an external complaint handling and appeals process. NVC shall not charge any fee for such referral and provide the student/complainant the contact details of appropriate complaints handling and external appeals body (See Clause 9 below).

**5.10** NVC will maintain the student's enrolment until the external complaints/appeals process is completed and has supported NVC's decision to report. NVC will wait for the outcome of the external process with consideration for student welfare as reporting a student for breaches may have serious consequences for the student's visa; it may result in cancellation.

**5.11** If any internal or external complaint or appeal process results in a decision or recommendation in favour of the students, NVC shall immediately implement such decision or recommendation, and undertake a quality review process to correct/improve the processes and prevent future occurrences.

**5.12** All the outcomes of a complaint or an appeal process, internal or external, will be notified to students in writing within seven (7) working days, and copies of correspondences kept on student file for record.

**5.13** NVC shall maintain a Complaints and Appeals Register to record all instances of complaints and appeals and use this data for quality and continuous improvement purpose.

## **5.14 Academic Review**

All students have the right to request an academic review. Where a student is dissatisfied with the outcome/result of assessment of an assignment and/or an examination, the student should discuss this informally in the first instance with their Trainer/Assessor.

If the issue cannot be resolved informally, a student may submit a request for a formal academic review in writing to the Academic Manager within twenty (20) working days of receiving the reviewed academic result. The request must outline why the student has requested a formal review of the result. The Academic Manager will seek to resolve a formal academic review through the appointment of an independent and impartial educator to investigate and make a recommendation. The Academic Manager will make the final decision on all formal academic reviews.

All parties involved in any formal academic reviews will be advised in writing of the outcome and the reasons for the decision within twenty (20) working days from the date the review was lodged. If a student's formal academic review is successful, the academic result will be amended. Where a formal academic review is not upheld by the relevant Campus Manager, the student will be advised in writing of the option to access the appeals procedure.

## **6. Procedure: Complaints (See the Flow Chart Below)**

1. Complainant gathers information and arranges to meet the Campus Manager for advice and information discussion;

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2. The complainant fills and submits the complaint in writing using the **Complaints and Appeals Form** to the Campus Manager;
3. If a complainant not able to physically attend NVC may choose to communicate electronically or telephonically with the Campus Manager;
4. Campus Manager confirms the receipt of the complaint in writing to the complainant with five (5) working days of the date of receipt of the complaint and enters the complaint in the Complaints Register;
5. Campus Manager starts the process no later than ten (10) working days from the date of receipt of the complaint and calls upon respective parties for discussions/meetings;
6. All the evidence concerning the complaint are collected and reviewed;
7. Assistance of Student Support officer is sought if student welfare is a concern;
8. Campus Manager discusses the outcomes with the CEO and reaches a decision;
9. The complainant is advised of the decision in writing by the Campus Manager;
10. If the decision is not accepted, an internal or external mediator is appointed with mutual consent;
11. If the mediation fails, external complaint options are advised and exercised within ten (10) working days;
12. Students are advised of the outcomes in writing;
13. All the documents and notes are forwarded to Student Support Student Admissions Officer for filing; and
14. Campus Manager updates the Complaints and Appeals Register with the outcome.

## 7. Policy: Appeals

NVC is committed to providing fair, safe and productive study environment to all its students. Consideration of appeals will be dealt with fairly, consistently, promptly, with sensitivity to all parties and in accordance with NVC's policies and quality principles.

**7.1** NVC will appoint an Appeals Committee comprising of at least three of the following senior staff members;

CEO

Academic Manager

Campus Manager

Student Support Officer

Quality Compliance Manager

**7.2** All the appeals will be heard by the committee on a designated date. Minutes of the meeting will be taken and filed.

**7.3** Student enrolment will be maintained while the appeals process is ongoing

**7.4** Students will be advised of their right to access an External Appeal process with appropriate agencies if they are not satisfied with NVC's internal Complaints and Appeals processes or conduct of such processes.

**7.5** If any internal or external appeal results in a decision or recommendation in favour of the students, NVC shall immediately implement such decision or recommendation, and undertake a quality review process to correct/improve the processes and prevent future occurrences.

**7.6** All the outcomes of an appeal process will be notified to students within seven (7) working days, and copies of correspondences kept on student file for record.

**7.7** NVC shall maintain a Complaints and Appeals Register to record all instances of complaints and appeals and use this data for quality and continuous improvement purpose.

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## 8. Procedure: Appeals (See the Flow Chart Below)

1. The complainant arranges a meeting with the Campus Manager and discusses appeals options
2. Online complainant or a complainant not able to physically attend NVC may choose to communicate electronically or telephonically with the Campus Manager
3. The complainant fills and submits the appeal in writing using the Complaints and Grievance form to the Student Support Officer (Note: The form can also be lodged with the Campus Manager directly if the Student Support Officer is not available)
4. Student Support Officer enters the appeal in the Complaints and Appeals Register and forwards it to the Campus Manager for action
5. Campus Manager confirms the receipt of the complaint in writing to the complainant with three (3) working days of the date of receipt of the complaint
6. Campus Manager notifies the Complaints and Appeals Committee and provides copies of the documents
7. Complaints and Appeals Committee convenes no later than ten (10) days from the date of receipt of the appeal
8. Case background and grounds for appeal are reviewed and discussed by the Complaints and Appeals Committee
9. Complaints and Appeals Committee reaches a Final Decision
10. The Final Decision is conveyed to the complainant in writing
11. If the decision is not accepted by the student, external complaint options are advised and exercised

## 9. External Complaints and Appeals

There is an external complaint/appeal process available to students if they have exhausted the above college/internal complaint and appeal procedures and still feel unsatisfied. International students who wish to lodge an external appeal can do so through the Overseas Students Ombudsman. See the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072.

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 training provider. NVC agrees to be bound by the independent mediator's recommendations and the CEO, or their nominee, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator's report. Each complaint, grievance, appeal, and its outcome will be recorded in writing and each party to the complaint is given a written statement of the appeal outcomes, including reasons for the decision.

Students may also seek legal redress through the usual court processes if they feel unsatisfied. They may also approach other agencies relevant to their specific situation;

- The Ombudsman
- The Privacy Commissioner
- The Equal Opportunity and Human Rights Commissions
- Department of Education and Training

Students may choose to contact the Department of Education and Training;

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Department of Education and Training  
GPO Box 9880  
Melbourne VIC 2601

<http://education.gov.au/contact-department>

If the problem resolution fits within equal opportunity guidelines, it will be managed under NVC's relevant policies and procedures. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to act under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

## 10. Natural justice

The principle of Natural Justice underpins the duty to act fairly includes two rules: the fair dealing rule and the no bias rule. This means that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right to be represented by another person.

In addition, a decision maker must have no personal interest, beyond the scope of their role in this process and must be unbiased. If the decision maker cannot meet these requirements they must immediately withdraw from the process. The procedure shall have regard to the duration of an overseas student's stay in Australia. In order to expedite the process, students shall also have regard for this and not unduly interfere with the mediation agent or the procedure. Should interference by the student affect the normal process of events, NVC shall not be held responsible for the consequences.

## 11. Responsibility

The Student Support Officer is responsible for maintaining the Complaints and Appeals Register.

The Campus Manager is responsible for effective implementation and management of this policy and procedure.

The Quality Compliance Manager is responsible for gathering and maintaining the data for QA purpose and making recommendations to the CEO for Corrective and Preventive actions.

The CEO has overall responsibility for the implementation and review of this policy. Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer in person or by email to: [info@nvc.edu.au](mailto:info@nvc.edu.au)

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