

Policies and Procedures

QMS2: P004C Complaints and Appeals

Policy details	
Responsible area	Governance
Endorsed by	CEO
Date	14.4.16
Review date	14.4.17
Modifications	30.03.15 Updated to new format for procedures and minor revisions 18 March 18, 2015 Reviewed to include VET FEE-Help guidelines 14.4.16 Review only. No changes made.

Policy statement
<p>At Linx Institute we ensure our complaints and appeals processes are available to all potential and existing students and:</p> <ul style="list-style-type: none"> • are accessible, impartial, fair and equitable • are consistent with the principals of natural justice and procedural fairness • are transparent and consistent • seek resolution of appeals and complaints at the earliest possible stage • respect privacy and confidentiality • are inexpensive for the parties involved.

Definitions	
Complaint	Any formal document that sets out the facts and reasons the complainant believes are sufficient to support a claim against another party or parties or against a decision made.
Complainant	The person who formally lodges a complaint
Respondent	The person or Education provider whom the complaint lodged is against
Appeal	An escalation step, a student may take if they are dissatisfied with an adverse decision, in particular an assessment decision.
Natural justice	The principles of natural justice have been developed to ensure that decision-making is fair and reasonable. The key principles are those of impartiality or freedom from bias, and the right to be heard.
Procedural fairness	This term is often used interchangeably with the term natural justice. Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision and hearing both sides of a story.
Transparency	The process can be seen and understood by the general public, rather than decisions being made "behind



Policies and Procedures

	closed doors”.
Free from bias/impartiality	A decision maker must not have a personal interest in the decision she or he is making and must not prefer one person over another when they are making a decision.
The right to be heard	Also called the hearing rule. It means that a person who is affected by a decision has a right to be told the case to be met and given the chance to reply before a decision is made that negatively affects their rights or interests.
Equality	Each person should be treated in the same way by the appeals/complaints system no matter who they are.
Overseas Students Ombudsman	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 rules

1 Scope

- 1.1** We have a complaints policy to manage and respond to allegations by all potential students seeking to enrol, existing students and staff, regardless of location or mode of study, involving the conduct of:
- Linx Institute, our trainers, assessors or other staff
 - a third party providing services on our behalf
 - another student

2 Content

- 2.1** Our complaints and appeals policy covers complaints relating to
- academic matters such as student progress, assessment, curriculum and awards in a course
 - non-academic matters. This includes complaints in relation to personal information that is held in relation to the student. Non-academic grievances come from decisions made by Linx Institute. Non-academic grievances cover issues such as harassment, vilification, discrimination, financial matters, fines and payments, application procedures, exclusions from events and facilities.
- 2.2** We have an appeals policy to manage requests for a review of decisions, including assessment decisions, made by our RTO or a third party providing services on our behalf.

3. Principles

- 3.1** Our complaints policy and appeals policy:
- ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
 - is publicly available
 - sets out the procedure for making a complaint or an appeal
 - ensures complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable
 - provides for review by an appropriate party independent of the Linx

Policies and Procedures

	<p>Institute and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal</p> <ul style="list-style-type: none"> • give complainants the right to be accompanied by a support person throughout the process • ensures that no complainant will be discriminated against or bullied • maintains the confidentiality of records and proceedings of complaints and appeals.
4	Stages, timeframes and costs
4.1	<p>Stage one—Formal complaint</p> <ul style="list-style-type: none"> • Follows initial informal complaint preferably • Lodgment in writing • Emailed acknowledgement within 5 working days • Anticipated resolution time 10 days from receipt of email • Complainant advised in writing within 5 working days of decision • No charge to applicant
4.2	<p>Stage two—Internal review</p> <ul style="list-style-type: none"> • Appeal to CEO and General Manager • Emailed acknowledgement within 5 working days • Anticipated resolution time 15 days from receipt of email • Complainant/appellant advised in writing within 5 working days of decision • No charge to applicant
4.3	<p>Stage three—External review</p> <ul style="list-style-type: none"> • Investigation by independent dispute resolution body
4.4	<p>Where Linx Institute considers more than 60 calendar days are required to process and finalise the complaint or appeal, Linx Institute:</p> <ul style="list-style-type: none"> • informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required • regularly updates the complainant or appellant on the progress of the matter.
5.	Outcomes and recommendations
5.1	We provide complainants and appellants with a written statement of the outcome including details and reasons for the decision.
5.2	If the outcome of a student’s appeal is favourable to the appellant, we will immediately advise the student of this and implement any decision and/or corrective and preventive action required.
5.3	We determine the underlying causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
5.4	We implement recommendations arising from any external review of decisions.
5.5	We retain records of all complaints and appeals and their outcomes for a minimum period of five years.
6.	Maintaining enrolment
6.1	We maintain a student’s enrolment while the complaints and appeals process



Policies and Procedures

is ongoing and advise the student this is the case.

In the case of overseas students, this means we 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).

We will maintain student enrolment throughout the internal appeals process for all types of complaints or appeals. However, whether we maintain the enrolment throughout an external appeals process depends on the type of appeal.

If the appeal is against our decision to report an overseas student for:

- Unsatisfactory course progress
- Unsatisfactory attendance

We will maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external complaints process is complete and has supported the provider's decision to report. We will wait for the outcome of the external process in this case, as reporting a student for unsatisfactory progress or attendance may result in cancellation of their visa.

If the appeal is against our decision to:

- defer or suspend a student's enrolment due to misbehaviour
- to cancel the student's enrolment

We only need to await the outcome of the internal appeals process before notifying the Department of Education through PRISMS of the change to the student's enrolment.

Once the Department of Education has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:

- leave Australia
- show the Department of Immigration and Border Protection (DIBP) a new Confirmation of Enrolment (CoE) or
- provide DIBP with evidence that he or she has accessed an external appeals process.

Maintaining enrolment does not necessarily mean that a student must remain in class. We will decide whether we will continue to offer learning opportunities throughout any appeals process on a case-by-case basis. In general, provided the continuation of the student's study will not disrupt or adversely affect the studies of others, we will opt to continue to offer learning opportunities, at least to overseas students, so as not to deny them learning opportunities in the event the appeals process finds in their favour.

6.2 Enrolment will be maintained

- Until external appeals have been completed where we decide to report
- Until internal appeals processes have been completed where we have decided to defer, suspend or cancel a student's enrolment due to misbehavior.

Policies and Procedures

<p>7 Communication and training</p> <p>7.1 We communicates our complaints and appeals procedures to</p> <ul style="list-style-type: none"> • staff via information contained in the relevant online portal and our website, as well as through our induction training program • students via our website, student pre-enrolment materials and student online orientation program, which must be completed before training can be started.
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Procedures		
Complaints		
Action	Description	Responsible
<p>1 Student raises complaint informally</p>	<p>Where possible, the student raises issue informally initially with trainer or curriculum manager.</p> <p>Trainer is to try and work with student to resolve the matter informally.</p>	Student
<p>2 Stage 1 Student complains formally.</p> <p>Submitted to General Manager within one day of receipt.</p>	<p>If the student is not satisfied with the outcome, they proceed to a formal complaint.</p> <p>Student submits a formal complaint by completing an <i>Action Request</i> form, which is given to the General Manager.</p>	Student
<p>3 Acknowledgment is sent to student within 5 working days of receipt.</p>	<p>Student is emailed acknowledgement with standard resolution time of 10 working days. Student is also advised they may have assistance from process.</p> <p>Acknowledgement provides estimate of resolution within 10 further working days</p>	Administration/ General Manager
<p>4 Student is advised if resolution to be extensive (over 60 days)</p>	<p>Where the process is likely to take more than 60 calendar days complete, Linx Institute will advise the complainant in writing with reasons.</p> <p>Linx Institute will provide regular updates on progress.</p>	Student Services Manager
<p>5 Complaint is investigated – 10 day timeframe</p>	<p>Complaint will be investigated and relevant staff/students contacted for their input. Where appropriate, the complainant will be met with.</p> <p>Where the complaint is against another person, that person will also have the</p>	General Manager

Policies and Procedures

		opportunity to be heard.	
6	Student is advised of outcome within 5 working days	The student will be advised, in writing, via email/mail as to the outcome, along with their appeal rights.	General Manager
7	Records	<p>Complaint and resolution are entered in the <i>Complaints Register</i> Resolution and any improvement actions entered in <i>Action request: Complaints</i> form for action</p> <p>Action request form triggers transfer to <i>Continuous Improvement Register</i> to record and track action.</p>	General Manager
8	Stage 2 Student appeal – to be lodged within 20 days of notification of Linx Institute’s decision	Where the student is not satisfied with the outcome they appeal and request a review of the decision, by lodging an appeal form, requesting a review of the decision.	Student
9	Investigation	A panel comprising two senior staff members not directly involved in the matter will be convened to investigate the process undertaken.	General Manager and other senior manager
10	Record outcomes	The outcome and reasons for the outcome will be recorded in writing and signed and dated by the Appeal Panel. Record to be placed on student file.	Student Services Manager
11	Advice to student of decision within 5 working days.	The student will be advised of the panel decision (which may also be a decision to conduct additional investigations or monitoring) in writing.	Student Services Manager
12	External appeal	If the student is not satisfied, they may lodge an external appeal (see below).	Student
13	Recommendations from external appeals	<p>If there are recommendations arising from the results of an appeal to an external agency, these will be recorded and an action request form raised.</p> <p>Action request form triggers transfer to <i>Continuous Improvement Register</i> to record and track action</p>	Operations Manager
14	Maintaining overseas student enrolment	<p>Enrolments for Overseas Students are to be maintained:</p> <ul style="list-style-type: none"> until end of external process where appeal is against decision to report for unsatisfactory 	Student Administration

Policies and Procedures

	progress/attendance. Until end of internal progress where appeal is against decision to defer, suspend or cancel a student's enrolment due to misbehavior.	
15	Advice to DIBP DIBP is to be advised via PRISMS once the appeals process has been exhausted and if student enrolment has been affected.	Operations Manager
<p>The external providers Linx Institute uses for this mediation service to students are: LEADR Phone: (02) 9251 3366 Website: www.resolution.institute</p> <p>Linx Institute is a member of the Student Mediation Scheme administered by LEADR which provides educational and training institutions with an external appeals process. The Scheme allows a member educational and training institution or its student to refer to LEADR as the external review body once their internal grievance system has been exhausted. A suitably qualified mediator will be appointed to liaise between the parties as necessary and manage the process.</p> <p>For overseas students who are on a student visa OVERSEAS STUDENT OMBUDSMAN (OSO) Phone: 1300 362 072 Website: www.oso.gov.au</p> <p>The Overseas Students Ombudsman investigates complaints about problems that overseas students have with private education and training in Australia. The Ombudsman also:</p> <ul style="list-style-type: none"> • provides information about best practice complaints handling to help private education providers manage internal complaints effectively • publishes reports on problems and broader issues in international education that are identified through investigations. <p>Domestic students may seek an independent review through</p> <ul style="list-style-type: none"> • ASQA (http://www.asqa.gov.au/complaints/making-a-complaint.html) • Department of Fair Trading (http://www.fairtrading.nsw.gov.au) <p>ASQA can only deal with complaints about:</p> <ul style="list-style-type: none"> • the information provided by an RTO about its course/s • the delivery and assessment of training received • the qualifications issued or to be issued. <p>If a student is not satisfied with the way their complaint has been handled, or if the complaint is not related to a particular RTO, then contact ASQA.</p> <p>NSW Fair Trading safeguards the rights of consumers and advises business and traders on fair and ethical practice.</p>		
Appeals against assessment decisions		
1	Appeal to be lodged within 5	Student is not satisfied with an assessment outcome and completes an Student



Policies and Procedures

	working days of the decision.	appeal form	
2	Appeal is acknowledged within 5 working days of receipt – for resolution within 10 working days	Student is emailed acknowledgement with standard resolution time of 10 working days. Student is also advised they may have assistance from a support person through the process.	Student Services Manager
3	Appeal against assessment – Reassessment within 10 days of appeal.	Where a student is appealing an assessment or course credit outcome, a reassessment by a different assessor will be given. Linx Institute will meet the costs of reassessment.	General Manager
4	Record outcomes	The outcome and reasons for the outcome will be recorded in writing and signed and dated by the Appeal Panel. Record to be placed on student file.	Student Services Manager
5	Advice to student of decision within 5 working days.	The student will be advised of the panel decision (which may also be a decision to conduct additional investigations or monitoring) in writing.	Student Services Manager
6	Records	Resolution is to be recorded in Complaints Register and any improvement actions entered in <i>Action request: Appeals</i> form for action. Action request form triggers transfer to <i>Continuous Improvement Register</i> to record and track action	General Manager
7	External appeal	If the student is not satisfied, they may lodge an external appeal (see below).	Student
8	Recommendations from external appeals	If there are recommendations arising from the results of an appeal to an external agency, these will be recorded and an action request form raised. Action request form triggers transfer to <i>Continuous Improvement Register</i> to record and track action	
9	Maintaining overseas student enrolment	Enrolments for Overseas Students are to be maintained: <ul style="list-style-type: none"> until end of external process where appeal is against decision to report for unsatisfactory progress/attendance. 	Student Administration



Policies and Procedures

	Until end of internal progress where appeal is against decision to defer, suspend or cancel a student's enrolment due to misbehavior.
10 Advice to DIBP	DIBP is to be advised via PRISMS once the appeals process has been exhausted and if student enrolment has been affected.
External appeals	
<p>The external providers Linx Institute uses for this mediation service to students are:</p> <p>For overseas students who are on a student visa OVERSEAS STUDENT OMBUDSMAN (OSO) Phone: 1300 362 072 Website: www.oso.gov.au</p> <p>The Overseas Students Ombudsman investigates complaints about problems that overseas students have with private education and training in Australia. The Ombudsman also:</p> <ul style="list-style-type: none"> • provides information about best practice complaints handling to help private education providers manage internal complaints effectively • publishes reports on problems and broader issues in international education that are identified through investigations. <p>Domestic students may seek an independent review through:</p> <ul style="list-style-type: none"> • ASQA (http://www.asqa.gov.au/complaints/making-a-complaint.html) • Department of Fair Trading (http://www.fairtrading.nsw.gov.au) <p>ASQA can only deal with complaints about:</p> <ul style="list-style-type: none"> • the information provided by an RTO about its course/s • the delivery and assessment of training received • the qualifications issued or to be issued. <p>If a student is not satisfied with the way their complaint has been handled, or if the complaint is not related to a particular RTO, then contact ASQA.</p> <p>NSW Fair Trading safeguards the rights of consumers and advises business and traders on fair and ethical practice.</p>	

Context

Associated documents

QMS2:P012C Deferring, Suspending or Cancelling Student
 QMS2:P002 Student Enrolment and Orientation Policy
 QMS3:P008 Planning, Communication and Continuous
 Improvement Policy
 Complaints register
 Continuous improvement register

Work orders and forms

Action Request form
 Appeals form
 Action request form



Policies and Procedures

Policy base	<p>Standard 6, NVR Standards 2015</p> <p>Standard 8, The National Code established under The Education Services for Overseas Students Act 2000 (ESOS Act)</p> <p>Higher Education Support Act 2003 and the associated legislative guidelines for VET FEE-HELP:</p> <ul style="list-style-type: none">• the VET Provider Guidelines• the VET FEE-HELP Guidelines• the Administration Guidelines.
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