

# Complaints and Appeals Policy & Procedure

## 1. Policy

- 1.1 This policy and procedure applies to international students who are enrolled at Flinders International College.
- 1.2 If a student has a complaint that they wish to raise with FIC they are encouraged to do so through the Complaints and Appeals procedure. Students are also encouraged to appeal any FIC 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 lodge a complaint against any decision made by a third-party providing services on FIC behalf, its trainers, assessors, fellow students or others. Students may also access FIC internal and the external appeals process.
- 1.4 FIC 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 applies to all FIC 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 FIC 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 which requires improvement action this will be reported to FIC 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 FIC and processes are commenced within 10 working days of receipt of a complaint or appeal. FIC act upon the outcome of any complaint found to be substantiated. Appeals must be lodged within 22 working days of the letter date notifying students on the outcome of a complaint process or assessment result.
- 1.16 Students are provided the opportunity to lodge their complaint or appeal in writing.
- 1.17 The principles of natural justice and procedural fairness are consistently applied when FIC is implementing this policy and procedure.
- 1.18 FIC 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 FIC 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 FIC'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 10 working days of FIC 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. FIC 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 Training Manager if they feel they cannot or it is not appropriate for them to try and resolve the complaint/ issue. The Training Manager may seek advice from or delegate the handling of the complaint to the CEO.
- 2.6 Staff may arrange a future meeting with the student if further investigation is required.
- 2.7 If the complaint is against the Training Manager, the CEO should be approached and deal with the complaint.
- 2.8 Complainants will be forwarded written notification informing them of the outcome of the informal complaint within 20 working days of lodgement.
- 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 FIC 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 FIC'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 Training Manager if required).
- 3.3 Students should lodge formal complaints using the Complaints & Appeals form located in the Student handbook and FIC website.
- 3.4 Complaints & Appeals forms are to be submitted to: Training Manager or by e-mail to [info@flinderscollege.edu.au](mailto:info@flinderscollege.edu.au).
- 3.5 If the complaint is against the Training Manager the CEO will deal with the complaint. In this instance submit the complaint form to the CEO at Campus or by e-mail to [info@flinderscollege.edu.au](mailto:info@flinderscollege.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 10 working days of FIC receiving the formal complaint form. FIC processes the complaint/ appeal within 20 working days of lodgement.
- 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. FIC 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 Training Manager (or CEO) will investigate the complaint and liaise with appropriate staff (if/ when appropriate) to ensure all the facts are considered prior to making 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 Training Manager 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 Training Manager may seek advice from college staff or external sources during the complaint process.
- 3.11 If appropriate the Training Manager may implement FIC's Critical Incident policy if they believe the issue meets the criteria to be deemed so.
- 3.12 The Training Manager may delegate the handling of the complaint to the other college staff if appropriate.
- 3.13 The Training Manager 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 Training Manager and will attend the meeting and provide the complainant 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 Training Manager will consider all evidence from the student, and/ or other parties and/ or The FIC prior to coming to any decision.
- 3.19 The Training Manager will clarify evidence/ information to ensure they fully understand all aspects of the issue.
- 3.20 On reviewing the evidence the Training Manager will attempt to negotiate a resolution to the issue/ complaint. The Training Manager 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 Training Manager notifies the student in writing of FIC's decision within 5 working days of the decision being made. This will include reasons for the decision.
- 3.22 Students have the right to appeal the College decision if they are dissatisfied with the outcome of the internal complaints process. Students are notified of their right to appeal any decision within 22 working days of the date of the letter informing them of the College decision. Students 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 Training Manager 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 FIC 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 FIC 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 FIC 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 Training Manager can assist students with completing the Complaints and Appeal form (or the CEO if the complaint is against the Training Manager.)
- 4.8 The Training Manager 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 Training Manager and/ or his decisions another member of staff will deal with the process. This will be the 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 22 working days of the date on the letter notifying them of any decision they wish to appeal.
- 4.13 Students must lodge appeals using the Complaints & Appeals form located in the Student handbook via e-mail to [info@flinderscollege.edu.au](mailto:info@flinderscollege.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 10 working days of FIC receiving the Complaints and appeals form.
- 4.14 Complaints & Appeals forms are to be submitted to: Training Manager FIC at campus or by e-mail to [info@flinderscollege.edu.au](mailto:info@flinderscollege.edu.au) if the appeal is against a decision undertaken by the Training Manager the appeals form is to be forwarded to the CEO.
- 4.15 The appeals process will commence within 10 working days of lodgement and the student will be forwarded written notification of the outcome within 20 working days of lodgement. On receiving an appeal FIC 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. FIC 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), Training Manager (or the CEO if the appeal is against a Training Manager decision) will attend the meeting.
- 4.17 Staff handling the appeal provide all parties 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 FIC considers all the evidence and liaise with appropriate staff if necessary to ensure all the facts are considered prior to making any decision.
- 4.19 If appropriate FIC staff may seek advice from external welfare support services and/ or academic staff.
- 4.20 If appropriate staff may implement the FIC Critical Incident policy if they believe the issue meets the criteria to be deemed so.
- 4.21 FIC 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 FIC staff discuss the reasons for the decision with the appellant.
- 4.25 If the outcome is in favour of the student, FIC will immediately commence corrective/ improvement action.
- 4.26 Students are forwarded written confirmation notifying them on the outcome of their appeal within 5 working days of the College decision being made. The letter details the reasons for the decision and informs the student of their right to access the external appeals process within 22 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 students file.
- 4.29 There are no further avenues within FIC 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, then 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 students 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 complaints 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: Training Manager FIC at campus or by e-mail to [info@flinderscollege.edu.au](mailto:info@flinderscollege.edu.au). The appeals process will commence within 10 working days of lodgement and the student will be forwarded written notification of the appeal outcome within 20 working days of lodgement.

- 5.8 The Training Manager 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 10 working days of FIC receiving the Complaints and appeals form.
- 5.9 The Training Manager 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. FIC 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 Training Manager 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 CEO will also review all evidence in an impartial manner. If the 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 FIC will document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the students 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 students appeal is refused he/she will be forwarded written notification of the outcome within 5 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 FIC 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 FIC 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/contact-us>. 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 and Student handbook or available from [info@flinderscollege.edu.au](mailto:info@flinderscollege.edu.au). The external appeals process will commence within 10 working days of lodgement and the student will be forwarded written notification of the outcome within 60 calendar days of lodgement.
- 6.4 Complaints & Appeals forms are to be submitted to: Training Manager FIC at campus or by e-mail to [info@flinderscollege.edu.au](mailto:info@flinderscollege.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 10 working days of FIC 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 FIC will forward all external appeals to the Overseas Student Ombudsman within 10 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 FIC 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 FIC.
- 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 students 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 FIC 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, FIC 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 FIC as per the Overseas Student Ombudsman advice.
- 6.12 The student will be contacted within 5 working day 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 FIC 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:
  - FIC 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 FIC will regularly update the complainant or appellant in writing on the progress of the matter.

## **8. International students appealing FIC intention to report for unsatisfactory course progress, unsatisfactory attendance or appealing a decision to suspend or cancel their enrolment**

- 8.1 If an international student receives notification from FIC informing them that FIC intends to report them for failing to maintain satisfactory course progress or satisfactory attendance (as per student visa requirements and FIC Course progress or Attendance policies and procedures), students have to the right to appeal the decision.
- 8.2 If an international student receives notification from FIC informing them that FIC intends to suspend or cancel their enrolment for misconduct/ misbehavior 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 Student handbook, available from the FIC reception at or on request from [info@flinderscollege.edu.au](mailto:info@flinderscollege.edu.au). Complaints and appeals forms are to be submitted to the Training Manager FIC at Suite 1 Level 6 271 William Street Melbourne Victoria 3000.Australia or by e-mail to [info@flinderscollege.edu.au](mailto:info@flinderscollege.edu.au).
- 8.5 Students have 22 working days from the date on the letter notifying them of the College decision to lodge an appeal.

- 8.6 Students must attend all scheduled classes during the complaints and appeals process and complete all related course work 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, FIC 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 FIC 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 FIC staff by maintaining the student's enrolment.

## 9. Suspending and cancelling international student enrolments

- 9.1 FIC waits until 22 working days after notifying the student of the FIC'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 Enrolments are suspended or cancelled via PRISMS with reasons noted and all documentary evidence placed in the students 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 FIC.
- 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 on and off site
- 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

FIC'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 FIC.

## National VET Regulator

Australian Skills Quality Authority

Web: [www.asqa.gov.au](http://www.asqa.gov.au)

Email: [enquiries@asqa.gov.au](mailto:enquiries@asqa.gov.au)

Phone: 1300 701 801



## Documents to be employed when implementing this policy and procedure:

- 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

## Revision history

Revision Date	Comment	Revised by
10/1/20	Policy and procedure created	CEO
10/1/21	Policy and procedure reviewed	CEO
10/10/23	Policy and procedure reviewed	CEO