

# Complaints and Appeals Policy & Procedure

## Purpose & Legislative Background

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Based on Standard 10 National Code of Practice for Providers of Education and Training to Overseas Students 2018 PARAGON POLYTECHNIC has an internal complaint handling and appeals process in place. Professional, timely, inexpensive and documented complaints handling, and appeals processes ensure that grievances between overseas students and registered providers can be heard and addressed. Additionally, as per the clauses 6.1-6.6 of Standard 6 of Standards for Registered Training Organisations (RTOs) 2015, PARAGON POLYTECHNIC will be responsible for implementing a policy that will provide the scope, turn-around time and record management of a complaint.

The purpose of this policy is to provide all enrolled students at PARAGON POLYTECHNIC with information about its policies and procedures for handling internal complaints, third party reviews and external appeals. This policy is also freely and easily accessible on the PARAGON POLYTECHNIC Website under Policy Section.

## Scope

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This policy applies to and may involve issues concerning the conduct of:

- PARAGON POLYTECHNIC as an organisation, its trainers, assessors or other staff
- If any, third party's services provided on the behalf of PARAGON POLYTECHNIC, its trainers, assessors or other staff or
- a student of PARAGON POLYTECHNIC.

This is an important point to note in understanding that this policy has a broad application and is not simply relevant to complaints that may be made by students. A complaint may be made by an employer about PARAGON POLYTECHNIC or by the trainer about the conduct of the student. Throughout this policy we refer to the person making a complaint as simply the complainant.

## Policy

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PARAGON POLYTECHNIC will handle all the Complaints and Appeals fairly, professionally, equitably, confidentially, and in a timely manner, with a view to achieving a satisfactory resolution as soon as practicable. Written records of all complaints and appeals will be kept in detail on student files and provided to the student.

All complaints and appeals will be reviewed as part of the continuous improvement process and where corrective action has been highlighted while achieving resolution, it will be implemented as a priority.

## Principles of resolution

PARAGON POLYTECHNIC is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, PARAGON POLYTECHNIC ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner.
- Are responded to promptly, objectively, with sensitivity and confidentiality.
- Are able to be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

PARAGON POLYTECHNIC will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.

Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

Where a student chooses to access this policy and procedure, PARAGON POLYTECHNIC will maintain the student's enrolment while the complaints/appeals handling process is ongoing.

PARAGON POLYTECHNIC will in the first instance always endeavor to resolve complaints/disputes informally. Students are encouraged to firstly talk to a member of staff as soon as a problem arises.

- Where possible the complaint will be dealt with immediately by the Compliance Officer/Student Welfare Officer.
- The formal complaints process will commence within 10 working days of PARAGON POLYTECHNIC's receipt of a written complaint or appeal and supporting information.
- PARAGON POLYTECHNIC will take all reasonable steps to finalise the process within 21 days from commencement or as soon as practicable.
- For complaints with added complexity, and for example, in the instance where the review is conducted by independent parties, the resolution may take longer, hence, all learners will be notified in writing if the resolution of complaints will take longer than 60 days. Also, the reasons for the delayed temporal course of resolution will be provided in writing to the complainant
- The complainant will be provided with a written statement of the outcome of each stage of the complaint/appeal, including details of the reasons of the outcome.
- If a student chooses to access PARAGON POLYTECHNIC's complaints and appeals processes, PARAGON POLYTECHNIC must maintain the student's enrolment while the complaints and appeals process is ongoing.
- If the internal or external complaint handling or appeal process results in a decision that supports the student, PARAGON POLYTECHNIC must immediately implement any decision and/or corrective and preventative action and advise the student of the outcome.
- PARAGON POLYTECHNIC will respond to any complaint or appeal an overseas student makes regarding their dealing with the College. The college's agents or any related party the College has arrangements with to deliver a course or related services.
- College must advise students that are unsuccessful with the college's internal complaints or appeals handling and process, within 10 working days of the decision being made, of the student's right to access an external complaints and appeals process at minimal or no cost to resolve the dispute.
- The college must advise the student the contact details of the appropriate external complaints handling and appeals body.
- If the student is not satisfied with the result or conduct of PARAGON POLYTECHNIC's internal complaints handling and appeals process, PARAGON POLYTECHNIC will assist the student to access independent mediation at minimal or no cost to resolve the dispute.
- If a student is not satisfied with the result or conduct of our internal complaints and appeals process, the college must advise the student of his or her right to access the external appeals process at minimal or no cost.
- Students can contact the Overseas Student Ombudsman directly.
- The college may decide to exclude a student from attending classes but continue to provide work to complete outside of the classroom environment. The college acknowledges that to deny students learning opportunities throughout the appeals process may disadvantage the student should the appeals process find in their favour.
- PARAGON POLYTECHNIC will not report a student for unsatisfactory progress or attendance until the student has been allowed to access our internal and **ONE** external complaints and appeals process.
- PARAGON POLYTECHNIC will await the outcome of this process (and if, in favour of the provider) before reporting the student through PRISMS.
- If the appeal is against College's decision to defer, suspend or cancel a student's enrolment due to misbehavior or breach of college rules, PARAGON POLYTECHNIC will notify DET/DHA via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process.
- Complaints/appeals against **academic decisions will be accepted up to fourteen (14) days from the date an assessment result was received.**

Independent mediation is available through the Dispute Resolution Branch, Department of Justice and Attorney-General.

If mediation is sought, the mediator is required to report the outcome of the mediation, including any recommendations arising, within 14 days of the completion of the review. Once the college receives the report of the outcomes from independent mediation, they will provide a written report to the complainant within 10 working days on the recommended actions to resolve the grievance.

## Making a complaint or appeal

Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.

Complaints and appeals must be made in writing using the Complaints and Appeals Form, or other written format and sent to PARAGON POLYTECHNIC's office at Level 6, 250 Collins St Melbourne, VIC 3000 attention to the Chief Executive Officer.

When making a complaint or appeal, provide as much information as possible to enable PARAGON POLYTECHNIC to investigate and determine an appropriate solution. This should include:

- The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
- Any evidence you have to support your complaint or appeal.
- Details about the steps you have already taken to resolve the issue.
- Suggestions about how the matter might be resolved.

Your complaint or appeal will be acknowledged in writing via email or post within 7 days.

## Complaint or appeal procedure

A participant enrolled in a course who has a complaint on any matter, will be given the opportunity to present their case. The participant should undertake the following steps:

- In the first instance, an informal approach is to be made to the person with whom the participant has the complaint, in order to see if the matter can be resolved in a mutually satisfactory way.
- If not satisfied OR unable to undertake Step 1, the student is then to lodge the complaint in writing for investigation.
- A complaint, if not resolved informally, must be lodged in writing no later than (14) days from the date of the incident considered to have caused the complaint.
- An investigation **must be** commenced within 10 working days of written/formal lodgment.
- The student (and support person if required) will be invited to attend a meeting to discuss / formally present the complaint/appeal at no cost to them.
- The investigating officer must provide a written outcome of the complaint/investigation to the complainant and to the Chief Executive Officer within 21 days of written receipt wherever possible or as soon as practicable.
- If the internal or external complaint or appeal process results in a decision that supports the student, PARAGON POLYTECHNIC will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome.
- College must advise students that are unsuccessful with the college's internal complaints or appeals handling and process, within 10 working days of the decision being made, of the student's right to access an external complaints and appeals process at minimal or no cost to resolve the dispute.
- Written records of all complaints and appeals will be kept in detail at each stage (including corrective and preventative action, reasons and outcomes) on student files and provided to the student.

## Resolution of complaints and appeals

- Some or all members of the management team of PARAGON POLYTECHNIC will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Where a third party delivering Services on behalf of the RTO is involved, they will be included in the process of resolving the complaint or appeal.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.

## Timeframes for resolution

Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant

reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

## Records of complaints and appeals

PARAGON POLYTECHNIC will maintain a record of all complaints and appeals and their outcomes on the Complaints and Appeals Register, which will be securely stored according to the Privacy Policy & Procedures.

## Independent parties

- PARAGON POLYTECHNIC acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter.
- Complainants and appellants can find an appropriate independent party by calling the Resolution Institute or by searching the following directory, according to their locality and area of concern.
- Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by PARAGON POLYTECHNIC.
- PARAGON POLYTECHNIC may also appoint the independent party to be involved in the resolution of a complaint or appeal where it is deemed necessary.
- PARAGON POLYTECHNIC will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
- The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

## External complaint avenues

Complaints can also be made via the following avenues:

### National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.
- Email: [ntch@education.gov.au](mailto:ntch@education.gov.au)

For more information about the National Training Complaints Hotline, refer to the following webpage:

<https://www.education.gov.au/NTCH>

### Australian Skills Quality Authority (ASQA):

Complainants may also complain to PARAGON POLYTECHNIC's registering body, Australian Skills Quality Authority (ASQA). ASQA can investigate complaints about PARAGON POLYTECHNIC in relation to:

- the quality of our training and assessment
- our marketing and advertising practices

### **For students:**

ASQA may not be able to investigate complaint if you do not include evidence that you have already exhausted our formal internal complaints process as above.

- If your complaint does not fall within ASQA's jurisdiction, it may be resolved more quickly if you directly contact the agency responsible as listed on the relevant webpage below.
- Please refer to the following webpage below before making a complaint to ASQA:

<https://www.asqa.gov.au/complaints/make-complaint-domestic-students/before-you-make-complaint>

### **For other stakeholders:**

Information about the process and information you should provide is available here: <https://www.asqa.gov.au/complaints/make-complaint-other-stakeholders>

## Overseas Students Ombudsman

The Ombudsman provides an external complaint and appeals process for overseas students of private education providers.

*If you wish to lodge an external appeal or complain about a decision made by the college, you can contact the Overseas Students Ombudsman. 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 private education or training provider. See the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information. Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)*

## Commonwealth RTO and CRICOS Regulator

If the student is concerned about the actions of the provider they may approach the Australian Skills Quality Authority (ASQA), the Registration Authority for CRICOS RTOs. The Australian Skills Quality Authority (ASQA) has the power to suspend or cancel the provider's registration or a course if a breach of the requirements of registration provision is proved. To lodge a complaint with ASQA visit <http://www.asqa.gov.au/complaints/making-a-complaint.html>

## Commonwealth ESOS Regulator

Department of Education (DOE) through the [ESOS online enquiry form](#) or through the ESOS helpline (02) 6240 5069.

The student may send through a complaint at any point, including after he or she has exhausted the provider's internal appeals process and the external appeals process. DOE will only intervene where PARAGON POLYTECHNIC's appeals process was not conducted correctly or if PARAGON POLYTECHNIC did not make the appeals process available to the student. DOE will only look at whether the appeals process met the requirements of the National Code. The DOE role is not to judge whether the outcome was right or wrong.

## Management Action & Responsibility

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The Academic Manager is responsible for the overall implementation of this policy & organizing the Complaints and Appeals Meeting at least once every quarter. He is responsible to present and accumulate all relevant evidence in regard to the complaint.

All the staff will support the Academic Manager in implementation of the procedure in accordance with the standards.

CEO has overarching responsibility for approving this policy.

## Definition

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**Complaint:** A complaint is generally negative feedback about services or people which has not been resolved locally. Examples include but are not limited to

- Course information, publicity or advertising material
- Course fees information or relating to financial matters
- Program content or structure
- Equipment, teaching resources or program delivery
- Staff qualification & skills
- Assessment information or process
- Student support & guidance
- Assessment review / appeal (also see Academic Appeals)
- Student transfer
- Student leave, course cancellation, suspension or deferment

An **appeal** is a request for a decision made by PARAGON POLYTECHNIC to be reviewed. Decisions may have been about:

- course admissions
- refund assessments
- response to a complaint
- assessment outcomes / results

- other general decisions made by PARAGON POLYTECHNIC

## Legislative Context

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The legislative base for this policy is as follows:

- National Vocational Education and Training Regulator Act 2011 (Cth)
- The ESOS Act 2000
- Education Services for Overseas Students (ESOS) Regulations 2001
- The National Code 2018
- Standards for Registered Training Organisation 2015
- Human Rights and Equal Opportunity Commission Act 1986
- Equal Opportunity Act 1995

## Policy Control

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Version	Date	Changes / Updates	Approved
1.0	Aug 2020	RTO Policy and Procedure of PARAGON POLYTECHNIC	CEO