

POLICY AND PROCEDURE

Complaints and Appeals		
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Approval and Endorsement	Principal Executive Officer khalid.h@aiit.vic.edu.au	
Refer to the following Legislative Frameworks		
Standards for Registered Training Organisations 2015	Clauses 1.7, Clause 5.4, and Clause 6.1 to Clause 6.6	
National Code of Practice for Providers of Education and Training to Overseas Students 2018	Standard 10	
Other	Australian Consumer Law (ACL) Education Services for Overseas Students Act 2000 (ESOS Act 2000) Education Services for Overseas Students Regulations 2001 Equal Opportunity Act 1995 (Vic) Discrimination Act 2004 Privacy Act 1988 National Privacy Principles (NPP)	
Related Documents (Internal)		
Australian International Institute of Technology Orientation Presentation and Materials Australian International Institute of Technology Employee Handbook Australian International Institute of Technology Student Handbook Australian International Institute of Technology Student Written Agreement Form: Complaints and Appeal Lodgement Form: Employee (Induction) Form: Letter of Offer Form: Orientation Materials (Checklist) Form: Student Files (Checklist) Policy and Procedure: Assessment Policy and Procedure: Attendance Policy and Procedure: Deferral, Suspension or Cancellation of Enrolment Policy and Procedure: Education Agents Policy and Procedure: Monitoring Course Progress Policy and Procedure: Overseas Student Transfers Policy and Procedure: Refund Policy and Procedure: Student Support Services Policy and Procedure: Tuition Fees and Charges Register (Complaints and Appeals) Register (Tuition Fees and Charges)		
Related Documents (External)		
National Privacy Principles (NPP)		

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1. Purpose

Australian International Institute of Technology's Complaint's and Appeals policy and procedure describes the steps to be undertaken so that complaints and appeals from students can be resolved in a constructive and timely manner, and in compliance with the requirements of the accreditation authorities relevant to the program.

Australian International Institute of Technology's aims for students to have access to a transparent, fair, and prompt process for resolving complaints and appeals. Where possible and appropriate, the complaints and appeals shall be dealt with locally at the level at which the issue of the complaint/appeal occurs. If the complaint and appeal cannot be resolved at the local level, the student will have access to Australian International Institute of Technology's internal appeal process.

If the matter cannot be resolved through the internal appeal process, then the student will have access to a final hearing by an independent external person or organization. Throughout these processes, no student will be disadvantaged for having made a complaint or appeal.

2. Scope

This policy and procedure applies to all Australian International Institute of Technology students and employees.

3. Definitions

Appeal - a written request by a student for a change in decision made by Australian International Institute of Technology. Appeals can relate to assessment and other decisions including cancelation of CoE's, Course Progression Warning Letters and Refunds.

CoE - Confirmation of Enrolment

Complaint - a formal complaint is a complaint made by a student, representative of a student, or relative of a student who has provided their written signature for the complaint.

Commonwealth Ombudsman - investigates complaints that international students have with private education providers. A private education provider can be a school, college, or university in Australia

Independent Person or Body - The person or body that would generally:

- Be separated in structure from the student
- Have no personal or professional interest in the outcome of the complaints or appeals process
- Have no influence on the policy setting of Australian International Institute of Technology
- Be financially and administratively independent of Australian International Institute of Technology
- Not have the same directors or managers as Australian International Institute of Technology

Personal Information - Means information, data or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Privacy - is a fundamental human right that underpins freedom of association, thought and expression, as well as freedom from discrimination.

Student - any individual currently enrolled or formerly enrolled as a fee-paying customer at Australian International Institute of Technology

4. General Introduction

4.1 Australian International Institute of Technology has specifically design this policy and procedure to provide enrolling International students with a documented internal complaint handling and appeals process and policy, in order to provide these students with comprehensive, free and easily accessible information about the process

and the policy. In the first instance, the student should be advised to raise their complaint or appeal with the originating source. If the student believes that, the matter cannot be resolved informally, and they wish to peruse the matter further they should raise their complaint or appeal with Australian International Institute of Technology's Chief Executive Officer (CEO).

4.2 Australian International Institute of Technology's Chief Executive Officer (CEO) will respond to any complaint or appeal an overseas student makes regarding their dealings with Australian International Institute of Technology or their Education Agents; or any other related party Australian International Institute of Technology has an arrangement with to deliver and assess an overseas student's course or related services.

4.3 Australian International Institute of Technology's Chief Executive Officer (CEO) will commence an appraisal of the complaint or appeal within **ten (10) working days** of it being made in accordance with Australian International Institute of Technology's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable.

During this process Australian International Institute of Technology will ensure that the overseas student is given an opportunity to formally present their case at minimal or **no cost** and be accompanied and assisted by a support person at any relevant meetings.

During the appraisal of the complaint or appeal it will at all times be handled in a professional, fair, and transparent manner

4.4 Australian International Institute of Technology will provide the overseas student with a written statement of the outcome of the internal complaint or appeal, including detailed reasons for the outcome and will keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome on the student's file.

If the overseas student is not successful after utilising Australian International Institute of Technology's internal complaints or appeals handling process, Australian International Institute of Technology will advise the overseas student within **ten (10) working days** of concluding the internal review of the overseas student's right to access an external complaint or appeals process at minimal or no cost. Australian International Institute of Technology will give the overseas student the contact details of an appropriate external appeals body.

If the internal complaints handling process or appeal results in a decision or recommendation in favour of the overseas student, Australian International Institute of Technology will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.

4.5 In addressing any *Complaints or Appeals* Australian International Institute of Technology has defined these as:

- **Internal or External Complaint** - is where a prospective student or enrolled student registers a formal complaint, in writing **concerning the manner (or behaviour)** in which Australian International Institute of Technology or its employee's (including Trainers and Assessors, Student Service Administration, Marketing and Recruitment Team or Educational Agents) deals with or provides educational or marketing services to a student.

This includes but is not limited to student facilities or amenities, or discrimination, sexual harassment, bullying or any other behavioural issue/s that may arise when enrolling or studying at Australian International Institute of Technology.

- **Internal or External Appeal** - is where prospective student, enrolled student registers a formal appeal against a decision, in writing **relating to a decision** made by Australian International Institute of Technology or its employees' (including but not limited to the Chief Executive Officer, Trainers and Assessors, Student Service Administration, Marketing and Recruitment Team or Educational Agents) dealing with, but not limited to, any educational or enrolment services provided to a student. This includes an appeal to challenge an assessment decision or outcome.

4.6 In defining the two (2) issues that are covered by this policy, Australian International Institute of Technology believes that it can ensure that both are addressed in terms of clarity and efficiency:

- where appropriate use the outcomes of these processes to continually improve, but not limited to, Australian International Institute of Technology's training and assessment strategies and practices and
- the provision of the educational services it provides to the VET Sector as an approved registered Educational Provider.

5. Internal Complaints and Appeals

5.1 Australian International Institute of Technology will manage each complaint or appeal in such a way as to:

- ensure that the principles of natural justice and procedural fairness are adopted at every stage of their processes
- ensure that each complainant or appellant is entitled to fair, equal, and consistent treatment, and prompt consideration and resolution of their complaint or appeal
- ensure that they have the opportunity to formally present their complaint or appeal at no cost to themselves. In addition, at any stage during the processes, they will be entitled to have their own nominee accompany and support them
- ensure that each complaint or a request for an appeal is acknowledged in writing and finalised as soon as practicable
- Australian International Institute of Technology has established a benchmark of **twenty (20) working days** to finalise these processes.
- provide for a review by an appropriate party independent of Australian International Institute of Technology and the complainant or appellant, at the request of the individual making the complaint or appeal, if the internal processes fail to resolve the complaint or appeal
- ensure that where Australian International Institute of Technology considers that it will take longer than the **twenty (20) working days** bench mark, to process and finalise the complaint or appeal, Australian International Institute of Technology will inform the complainant or appellant in writing, including reasons why more than **twenty (20) working days** are required, and will also regularly update the complainant or appellant on the progress of the matter
- ensure that all the records relating to and the outcomes of each complaint and appeal are securely maintained
- identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
- Where Australian International Institute of Technology considers more than **sixty (60) calendar days** are required to process and finalize the complaint or appeal, Australian International Institute of Technology will:
 - inform the complainant or appellant in writing, including reasons why more than **sixty (60) calendar days** are required: and
 - Regularly update the complainant or appellant on the progress of the matter

5.2 A student's enrolment will be maintained whilst a complaint or appeal is in progress and the outcome has not been determined, except in cases where Australian International Institute of Technology is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment.

5.3 Australian International Institute of Technology will encourage all parties involved to approach a complaint and/or appeal with an open view towards resolving issues through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, Australian International Institute of Technology acknowledges the need for an appropriate external and independent agent to review a decision or the process implemented by Australian International Institute of Technology

5.4 At the conclusion of the complaint or appeal process, Australian International Institute of Technology will provide the complainant or appellant with a written statement of the outcome within **ten (10) working days** of the conclusion of the process. This written statement will include details of the reasons for the outcome as well as a copy of the record of the complaint or appeal and its outcome.

5.5 A copy of the written statement will be placed on each of the following:

- the student's individual file maintained by Australian International Institute of Technology Student Service's Administration Department
- the complaints and appeals record folder

- the details will also be logged into the Complaints and Appeals Register excel sheet, which is maintained on Australian International Institute of Technology Operations and Compliance drive.

5.6 Written records of outcomes, agreements and actions are to be kept at all stages of the complaints process and are subject to relevant legislation.

5.7 A student may withdraw a complaint or appeal at any time during the resolution process. The student must make the withdrawal in writing and submit it to reception. Alternatively, the student may send an email to complaints@aiit.vic.edu.au using their email address that is registered with Australian International Institute of Technology.

6. External Complaints and Appeals

Australian International Institute of Technology Students have a variety of available options if they wish to lodge an external complaint or appeal. This is only recommended after completing Australian International Institute of Technology three stages complaints and appeals process. These options include lodging a complaint through one of the following organisations:

6.1 The National Regulator - Australian Skills Quality Authority (ASQA)
<https://www.asqa.gov.au/complaints/complaints-about-training-providers>.

Note that Australian Skills Quality Authority (ASQA) can only deal with complaints concerning the following:

- the information provided by an RTO about its course/s
- the delivery and assessment of training received
- the qualifications issued or to be issued.

6.2 The Commonwealth Ombudsman

If an International student is not satisfied with the result or conduct of the internal complaint handling and appeals process, Australian International Institute of Technology will advise the student of his or her right to access the external appeals process through the Commonwealth Ombudsman.

The Commonwealth 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. Students can initiate the external appeals process by telephone, in writing, by fax, or using the Commonwealth Ombudsman's online complaint form:

<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>

Students can contact the Commonwealth Ombudsman via telephone, **9am to 5pm Monday to Friday**.

In Australia, call: **1300 362 072** (calls from mobile phones at mobile phone rates). Outside Australia, call **+61 2 6276 0111**.

Using an interpreter, a student can make a complaint in their language. Call the *Translating and Interpreting Service (TIS)* in Australia on **131 450**. Outside Australia call **+61 3 9268 8332**.

Note the *Commonwealth Ombudsman* will pay for the interpreter.

6.3 Legal Aid

Nothing in this policy or corresponding procedures inhibits a student's right to pursue other legal remedies. Australian International Institute of Technology recognises that a student is entitled to resolve any dispute they have with Australian International Institute of Technology (by exercising their right to other legal remedies, however if a student wishes to follow this path, then any expense incurred during this process will need to be borne by the student.

Students wishing to take this course of action are advised to:

- Contact a solicitor
- Contact the Law Institute of Victoria for a referral to a solicitor call **+61 3 9602 5000** or <https://www.liv.asn.au/>

- Contact Legal Aid: <http://www.legalaid.vic.gov.au/>
- Contact Australian Mediation Association (AMA) <https://ama.asn.au/>

If the external complaint handling or appeal process results in a decision that supports the student, Australian International Institute of Technology will immediately implement any decision and/or corrective and preventative action required and will advise the student of the outcome.

7. Complaints and Appeals Resolution Process Flow (Stage 1 – Stage 3)

Stage 1

1. A student who wishes to make a complaint or appeal will complete the *Complaint and Appeal Lodgement Form* and submit it to reception or complaints@aiit.vic.edu.au.
2. Upon receiving the Complaint and Appeal Lodgement Form, generally, reception will immediately forward it to Student Services Manager.
3. The Student Service Manager will acknowledge the receipt of the complaint and appeal and direct the matter to the appropriate stakeholder e.g. Marketing Manager or Academic Manager. Should the Marketing Manager or Academic Manager be perceived to have a conflict of interest in relation to the matter, the next Chief Executive Officer (CEO) must be approached.
4. Marketing Manager or Academic Manager must commence the resolution phase within **ten (10) working** days of the complaint being lodged.
5. Marketing Manager or Academic Manager take all reasonable measures to resolve the complaint or appeal as soon as practicable.
6. The Marketing Manager or Academic Manager must keep records of the following, where applicable:
 - Actions taken to address the root cause of complaints
 - Minutes of meetings at which actions arising from complaints were agreed on
 - Changes to systems and/or processes to address the inadequacy that led to the complaint or appeal or to improve operations.
7. Marketing Manager or Academic Manager will provide the student with a *written statement* of the outcome, including details of the reasons for the outcome; and forward a copy to the Student Services Manager who will keep a record as evidence of the communication to the student.

Stage 2

1. If the student is not satisfied with the result or conduct of the complaint or appeal handling process by the Department Heads, he or she should inform the Student Services Manager writing within **ten (10) working days** of receiving the written statement of outcomes.
2. The Student Services Manager will convene a committee comprising at least three (3) independent Managers or Trainers who are not involved in the hearing at Stage 1 to investigate and resolve the matter. The committee will provide the Student Service's Manager with the documentation as listed in Stage 1 Point 6 for record keeping and filing.
3. The Student Service Manager will inform the student of the outcome through a written communication.

Stage 3

1. If the student is still not happy with the result of the decision by the internal committee, the student should lodge a written appeal with the Student Service's Manager within **ten (10) working days** of receipt of the written notification of Stage 2 outcomes.

2. Australian International Institute of Technology will appoint a person or body independent of and external to Australian International Institute of Technology to hear the appeal and propose a final decision at **no or minimal cost** to the student. The appeal procedures will be determined by the independent mediator.
3. The student will have access and receive the outcome of only one external appeals process (i.e. Stage 3) before Australian International Institute of Technology may report the student to the relevant authorities. Hence Australian International Institute of Technology does not have to await the outcome of multiple external appeals processes which the student may wish to access. However, Australian International Institute of Technology will inform students that they could refer to the Commonwealth Ombudsman.

8. Accessing the Complaints and Appeals Policy and Procedure

8.1 All Australian International Institute of Technology's prospective students will be provided with information about Australian International Institute of Technology's complaints and appeals policy prior to the formalisation of enrolment through:

- Course Pre-Enrolment Information Fact Sheets
- Via Australian International Institute of Technology's corporate website. Refer to <https://aiit.vic.edu.au/pol-pro>

This policy will also be available to current and existing students through the following sources:

- Orientation Presentation and Process
- Student Handbook
- Each Individual Unit of Competency Student Guide and Assessment Workbook
- At reception at the Australian International Institute of Technology Campus

8.2 All Australian International Institute of Technology employees will be provided with Australian International Institute of Technology's Complaints and Appeals policy in the *Employee Handbook* distributed to them at the commencement of their employment during the induction process, and further will be advised when any change or amendments occurs to this policy and policy and procedure.

8.3 Australian International Institute of Technology will encourage all parties involved to approach a complaint or appeal with an open view towards resolving issues through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, Australian International Institute of Technology acknowledges the need for an appropriate external and independent agent to review the process implemented by Australian International Institute of Technology.

9. Complaints and Appeals Register

Details of each complaint which is lodged are recorded in the Australian International Institute of Technology *Complaints and Appeals Register* by the employee who accepted the complaint and lodgement form. At this time, a copy will be made of the complaint or appeal lodgement form and it will be filed in the student's file. The original will be forwarded to the Student Services Manager who is responsible for ensuring that all of these actions are completed within **one (1) working day** of the lodgement of any complaint or appeal.

10. Responsibility

All students, employees, Education Agents, and individual clients engaged in business operations collecting personal information are responsible for following the policy and procedure.

The Chief Executive Officer (CEO) is responsible for the effective implementation and management of this policy as well as provision of information on how to resolve complaints of breaches of this policy. Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer (CEO) in person or by email to ceo@aiit.vic.edu.au.

11. References

Source	Document Title	Version - Date
	Australian Consumer Law (ACL) https://consumerlaw.gov.au/australian-consumer-law/legislation	(Accessed 11/08/2020)
	Australian Mediation Association (AMA) https://ama.asn.au/	(Accessed 11/08/2020)
	Commonwealth Ombudsman https://www.ombudsman.gov.au/	(Accessed 11/08/2020)
	Discrimination Act 2004 https://www.legislation.gov.au/Details/C2017C00341	2004
	Equal Opportunity Act 1995 (Vic) https://www.humanrightscommission.vic.gov.au/home/the-law/equal-opportunity-act	(Accessed 11/08/2020)
	the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)	2018
	National Privacy Principles (NPP) https://www.oaic.gov.au/privacy/australian-privacy-principles/read-the-australian-privacy-principles/	PDF
	NCVER Glossary of VET https://www.voced.edu.au/vet-knowledge-bank-glossary-vet-terms	(Accessed 11/08/2020)
	Privacy Act 1988	1988
	Standards or Registered Training Organisations 2015	2015
	Users' Guide to the Standards for RTOs 2015 https://www.asqa.gov.au/standards/support-progression/clauses-1.7-5.4-6.1-to-6.6	(Accessed 11/08/2020)
	VISA Conditions List https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions	(Accessed 11/08/2020)

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