



Complaints and Appeals Policy & Procedure

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Introduction

ILLOURA COLLEGE ensures it has an accessible and easy to understand complaints and appeals process for all stakeholders that are relevant to its CRICOS registration.

Purpose

To ensure that ILLOURA COLLEGE's complaints and appeals policy and procedures are fair, consistent and accessible to all the parties involved.

Compliance

This policy relates to the following standards and clauses from Standards for Registered Training Organisation (RTOs) 2015:

- Standard/Clause 1.7 Learner Support
- Standard 4 Accurate and Accessible information about an RTO, its services and performance
- Standard 5 Informed and protected learners

This policy is related to the following standards from National Code 2018

- Standard 2 Student engagement before enrolment
- Standard 3 Formalisation of enrolment

Scope

This policy and its procedures apply to all international students and intending international students at ILLOURA COLLEGE.

It ensures that ILLOURA COLLEGE has an appropriate internal complaints handling and appeals procedure that satisfies the following requirements:

- the capacity to lodge a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept;
- the opportunity for each complainant or appellant to formally present his or her case at minimal or no personal cost;
- a provision that each party may be accompanied and assisted by a support person at any relevant meetings;
- provision, to the complainant or appellant, of a written statement of the outcome, including details of the reasons for the outcome; and
- an undertaking that the procedure will commence within ten (10) working days of the formal lodgement of the complaint or appeal and supporting information, with all reasonable measures taken to finalise the outcome as soon as practicable.

ILLOURA COLLEGE classifies complaints and appeals as 'academic' and 'non-academic'.

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Responsible: Compliance

Reviewed: February 2024

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RTO CODE: 40788

CRICOS NO.: 03953D

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Non-Academic complaints/appeals are about, but not limited to:

- admissions, enrolment and commencement
- administration
- marketing and communication
- resources and facilities
- fees, charges and payments
- student support
- staff/student behaviour

Academic complaints/appeals are about, but not limited to:

- participation/attendance
- assessments
- results/outcomes
- course progress
- Statements of Attainment / Certificate (s)
- Recognition of Prior Learning / Credit Transfer
- Trainer & Assessor

Responsibilities

ILLOURA COLLEGE collects data and maintains a "Complaints and Appeals Register" to collect and keep records of all complaints received and their outcomes. All documentation relating to complaints and appeals including the register, will be maintained by the Compliance and Academic Manager.

Any complaint will be handled fairly, recognising the rights of both the person making the complaint, ILLOURA COLLEGE and the person against whom the complaint is being made. All parties concerned will be treated with courtesy and appropriate confidentiality will be maintained.

ILLOURA COLLEGE will be transparent and accountable in relation to complaints and appeals by ensuring information about the procedure is widely available, and by informing its stakeholders about the feedback received and the actions taken to improve this policy and procedure.

As part of the ILLOURA COLLEGE's continuous improvement strategy, the complaints and appeals register should be reviewed by the following management team on a **quarterly basis**:

- CEO
- Compliance and Academic Manager
- Training Coordinator
- Student Support Officer
- Where necessary, other applicable staff will be involved.

If any discrepancy is identified, immediate actions must be taken to rectify the issue and the register should be updated.



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If a student chooses to access the ILLOURA COLLEGE's complaints and appeals procedure, ILLOURA COLLEGE must maintain the student's enrolment while the complaints and appeals process is ongoing. At any point a complaint may be withdrawn by the complainant.

If a student is not satisfied with the result or conduct of the internal complaints and appeals procedure, the student has the right to access an external appeals process through the Overseas Students Ombudsman <http://www.oso.gov.au>. In such cases, ILLOURA COLLEGE must advise the student of his or her right to access the external appeals process at minimal or no cost, and guide the student to proceed with seeking advice or proceeding to lodge the external complaint or appeal.

Contact details for the Overseas Students Ombudsman are:

- Website: <http://www.oso.gov.au>
- Email: ombudsman@ombudsman.gov.au
- Call: 1300 362 072 (within Australia) | Outside Australia +61 2 6276 0111
- Fax: 02) 6276 0123 (within Australia) | Outside Australia +61 2 6276 0123
- Postal: GPO Box 442, Canberra ACT 2601, Australia

If the internal or external complaint handling or appeal processes results in a decision that supports the student, ILLOURA COLLEGE must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

Definitions

- **International student** means international students or intending international students on a student visa under the Migration Act 1958.
- **DHA** means Department of Home Affairs.
- **CoE** means Confirmation of Enrolment.

Implementation

By establishing this policy and the procedures, ILLOURA COLLEGE ensures the fairness and the effective implementation of the policy and procedures by training staff who are involved in the process. Staff training will be conducted during staff induction, on the job training and through professional development sessions. Staff are able to electronically access this Policy and Procedures document through the ILLOURA COLLEGE staff folder.

For prospective students, the Policy and Procedures document can be accessed on the ILLOURA COLLEGE website. Current students are able to access this policy and procedure:

- through accessing the college website;
- at the course orientation;
- in their student handbook;
- in their Training and Assessment Plan;
- in person at the ILLOURA COLLEGE Reception desk, or by
- contacting the Student Support Officer.



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Where a complaint decision is made in favour of the student, ILLOURA COLLEGE will advise the student of this in writing and implement any decision or required corrective and/or preventative actions within ten (10) working days.

Throughout the internal complaints and appeals process, a student's enrolment will be maintained (subject to extenuating circumstances). The National Code (Standard 10) does not require ILLOURA COLLEGE to continue to provide learning opportunities while the complaint is being processed: However, the student's Confirmation of Enrolment (CoE) will not be cancelled until the appeals process has been exhausted and then, only if the appeal finds in favour of ILLOURA COLLEGE. It is at the discretion of ILLOURA COLLEGE whether it will continue to offer learning opportunities to students in such circumstances on a case-by-case basis.

ILLOURA COLLEGE considers that denying students learning opportunities throughout the complaints and appeals process may disadvantage students in subsequent study periods should the complaint or appeal find in the student's favour. Therefore, ILLOURA COLLEGE will not exclude the student from class.

Reporting to the Department of Education and Training (DET) and Department of Home Affairs (DHA)

The National Code 2018 requires that when a student's external appeal is against ILLOURA COLLEGE's decision to report the student for unsatisfactory course progress, ILLOURA COLLEGE must maintain the student's enrolment (e.g. not report the student for unsatisfactory progress) until the external complaints process is complete and has supported the provider's decision to report before notifying the Department of Education and Training (DET) and Department of Home Affairs (DHA) through PRISMS of the change to the student's enrolment.

ILLOURA COLLEGE must wait for the outcome of the external process in this case, as reporting a student for unsatisfactory progress has serious consequences for the student's visa. Although automatic visa cancellation no longer exists, DHA may still cancel a student's visa at their discretion.

If the student's external appeal is against ILLOURA COLLEGE decision to:

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

ILLOURA COLLEGE only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the DET and DHA through PRISMS of the change to the student's enrolment.

Once DET and DHA have been notified of a deferment, suspension or cancellation of a student's enrolment via PRISMS, the student has twenty-eight (28) days in which to:

- leave Australia;
- show DHA a new Confirmation of Enrolment (CoE); or
- provide DHA with evidence that he or she has accessed an external Appeals process.



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Suspension or cancellation of a student's enrolment before the internal appeals process is completed can occur if there are extenuating circumstances relating to the welfare of the student or others.

In cases where ILLOURA COLLEGE has reason for concern for the welfare of the student or those with whom the student may come into contact with, as the provider, ILLOURA COLLEGE can cancel the student's enrolment prior to completion of the appeals process. Where extenuating circumstances are considered to exist, the Compliance/Academic Manager and CEO will make the final decision and inform the Student Support Officer (or Operations Manager) who will then issue any correspondence and report to the DET and DHA through PRISMS.

The 'extenuating circumstances' option covers situations where a student's behaviour has led ILLOURA COLLEGE to fear for the safety and wellbeing of the student and/or people the student may encounter. In this case, ILLOURA COLLEGE may cancel the student's enrolment without having to wait for the outcome of the internal appeals process.

However, the student can still appeal from his or her Australian residence or home country. Once ILLOURA COLLEGE notifies the DET and DHA of the cancellation of a student's enrolment through PRISMS, the student has twenty-eight (28) days in which to find alternative enrolment or to return to his or her home country.

If the student secures enrolment with another provider within the twenty-eight (28) days, the student may commence studies with the new provider. If the student does not secure alternative enrolment or return home within twenty-eight (28) days, the student's visa may be cancelled. (Please note that cancelling a student's enrolment does not always lead to automatic cancellation of the student's visa. DHA may contact a student to explain the circumstances relating to the cancellation of the enrolment and may cancel a student's visa as a result of this happening.

Under the National Code 2018, the student has the right to appeal with ILLOURA COLLEGE if he or she wishes to do so, whether still in Australia or in their home country. ILLOURA COLLEGE must notify the student of its intention to cancel the student's enrolment due to disciplinary reason, prior to notifying DET and DHA through PRISMS of the cancellation. In such cases, ILLOURA COLLEGE will follow the PRISMS instructions to proceed with the cancellation.

Procedure

Handling 'Informal' Complaints

1. If the complaint is received orally, the staff member who receives the complaint should, if possible, resolve the issue.
2. If the issue cannot be resolved, the complainant should be directed to meet with the Compliance/Academic Manager and then this procedure must be followed.
3. If the complaint is received in writing, register the details of the complaint in the Complaints and Appeals register. If the complainant does not wish to provide a written complaint the complaint must still be investigated and resolved.



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4. Determine if the complaint is to be managed through the 'formal' or 'informal' process (in this procedure the determination is 'informal').
5. Review the complaint and discuss with the relevant parties in an attempt to resolve the complaint.
6. Once an apparent resolution is reached, prepare a draft letter and submit it to Compliance/Academic Manager for approval. In the absence of Compliance/Academic Manager, it is to be approved by the CEO.
7. If there are no further issues, the relevant staff member is to proceed with executing the resolution.

The complainant and any other party relevant to the complaint must be provided with a copy of the letter (persons other than the complainant must be copied in the letter). The letter invites the complainant to acknowledge their satisfaction or otherwise of the outcome (if not satisfied, the complaint becomes a formal complaint).

8. Where the complainant indicates he/she is satisfied with the outcome, the following records must be updated:
 - Complaints & Appeals Register
 - Student file and if relevant, staff file(s)
9. These records must be stored and retained for five (5) years. Where required, confidentiality of such records, must be maintained.

'Handling 'Formal' Complaints

1. If the complaint is received orally, the complainant should be directed to meet with the Compliance/Academic Manager and then this procedure must be followed.
2. If the complaint is received writing, register the details of the complaint in the Complaints and Appeals register. If the complainant does not wish to provide a written complaint the complaint must still be investigated and resolved.
3. Determine if the complaint is to be managed through the 'formal' or 'informal' process (in this procedure the determination is 'formal').
4. ILLOURA COLLEGE is to acknowledge in writing the receipt of the complaint within five (5) business days.
5. The aforementioned management team is to investigate and liaise with relevant staff (also HR if staff conduct is involved) to resolve the complaint. During this process the student must be provided with the opportunity to present his/her case and they must be informed that they can be assisted or accompanied by a support person if they wish.



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6. The assigned staff member is to proceed with communicating the outcome of the complaint or appeal within 10 business days.
 - The complainant and any other party relevant to the complaint must be provided with a copy of the letter (persons other than the complainant must be copied in the letter).
 - The letter advises of the outcome and any reason for the decision that was made. The letter should also invite the complainant to acknowledge their satisfaction or otherwise of the outcome.
 - If the complainant is not satisfied, the complainant should be advised to seek an external review by the Overseas Student Ombudsman.
7. Where the complainant indicates he/she is satisfied with the outcome, the following records must be updated:
 - Complaints & Appeals Register
 - Student file and if relevant, staff file(s)

These records must be stored and retained for five (5) years. Where required, confidentiality of such records, must be maintained.

8. Related Policies and Procedures / Documents
 - Complaints and Appeals Form
 - Complaints and Appeals Register
 - Deferment, Suspension and Cancellation Policy & Procedure
 - Continuous Improvement Policy and Procedure
 - Student Misconduct Policy

Document Version Control History			
Version	Date	Author	Change Description
1.0	2021	Illooura College	Document created
2.0	2023	DOS /Compliance	Policy Review