

COMPLAINTS AND APPEALS POLICY AND PROCEDURES

Audience	Internal <input checked="" type="checkbox"/>	External <input checked="" type="checkbox"/>
QMS Link	<i>CSE Internal use only: QMS 3. Client services system – Complaints and appeals</i>	
Endorsed By	CSE Management Team	
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1. DEFINITIONS

CSE	Children's Services Education Pty Ltd trading as Children's Services Education.
CoE	Confirmation of Enrolment providing evidence of an overseas student's enrolment with an approved Australian training provider.
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students.
ESOS	Education Services for Overseas Students
NRT	Nationally Recognised Training.
PRISMS	Provider Registration and International Student Management System. This system allows for approved Australian training providers to issue a CoE and facilitates compliance with the ESOS legislation.
RTO	Registered Training Organisation.
SRTOs	Standards for Registered Training Organisations 2015.
VET	Vocational Education and Training.
Complaint	An expression of dissatisfaction with academic or non-academic services of CSE, which may include behaviour of a staff member or student of CSE.
Complainant	The person who lodges a complaint or appeal.
Informal Complaint	A communication of an alleged wrong-doing, dispute or disagreement generally made in person or by phone but does not include a written complaint.
Formal Complaint	A communication which is submitted in writing either on the CSE Complaints and Appeals Form, in an email or hard-copy written document following the procedure set out in this policy and procedures.
Appellant	A person who formally lodges an appeal against a complaint decision.
Appeal	A written request made for a review of a formal complaint decision made. The appeal is generally requested in an attempt for the reversal or change of a complaint decision. An appeal process allows for additional evidence or information may be provided by the appellant, and/or the opportunity to have the complaint reconsidered by a review team.

Assessors	Persons who assess a learner's competence in accordance with the Standards for RTOs.
Academic Complaint	A complaint relating to the planning or delivery of training, the quality of course resources, the conduct of assessments, assessment decisions, or academic progress.
Non-Academic Complaint	A complaint or appeal in relation to non-educational services provided by CSE, directly or indirectly via a third party and which may refer to a person, department, organisation or service activity.
Respondent	The person, department, organisation or service who responds to the complaint or appeal.

2. RELATED STANDARDS

RTO Standard 6

Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

CSE has implemented a transparent complaints and appeals policy that enables learners and clients to be informed of and to understand their rights and the RTO's responsibilities under the Standards.

National Code Standard 10

Complaints and appeals.

CSE has an internal complaint handling and appeals process in place to ensure professional, timely, inexpensive and documented complaints handling and appeals processes ensure that grievances between overseas students and CSE can be heard and addressed.

3. LEGISLATIVE CONTEXT

This policy and procedures satisfies the requirements for:

- Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students (2018)
- Standard 6 of the Standards for Registered Training Organisations (RTOs) 2015
- Competition and Consumer Act 2010 as amended
- Australian Consumer Law (ACL).

4. OVERVIEW

This policy is for students, staff, and third parties providing services on behalf of CSE including their staff, and all persons who interact with CSE. Its purpose is to enable all parties to understand their right to make a complaint and provides a procedure for CSE to manage and respond to all complaints.

Complaints can be about academic and non-academic matters and should be brought to the attention of CSE management as soon as the facts are available.

This policy is made publicly available through the CSE website, made available to prospective international students through the Student Course Agreement, and is directly linked within the CSE Information Handbook and the CSE Student Handbook.

The intent of this policy is to ensure fairness and transparency applies to complaints and appeals processes within CSE, including all parties having the right to be heard and having all evidence considered. The procedures in this document will guide the complainant and CSE so that the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process.

Complaints and appeals are properly recorded, acknowledged and dealt with quickly, fairly, efficiently and effectively.

Matters that are not relevant to the complaint or appeal are excluded from the process.

The decision maker will not be biased and will be based on the belief that all complaints provide opportunities for rectification and improvement.

CSE does not impose a charge for receiving and handling complaints.

Where a complaint has led to an appeal being lodged and is still not resolved to the satisfaction of the complainant, CSE's procedures provide for a review by an appropriate external party.

5. COMPLIANCE REQUIREMENTS

- CSE classifies complaints and appeals into two categories: Informal Complaints and Formal Complaints
- A complaint may be raised by a member of the public, by a person currently involved with CSE (for example, student or staff member), a person who was involved with CSE in the past, or a person who has applied to be involved with CSE
- A complaint may be about a CSE service including but not limited to training and assessment, marketing and recruitment, fees and refunds, enrolment processes, or can be about a person employed or contracted by or in some other way representing CSE
- CSE will ensure the principles of natural justice (procedural fairness) are adopted at every stage of the complaint and appeal process
- CSE staff will support people who use our services to access the complaints process
- CSE follows its written procedures for resolving complaints and appeals
- CSE will ensure that people making a complaint are not adversely affected, including maintaining a student's enrolment whilst a complaint or appeal process is ongoing
- CSE staff will be guided by the CSE Privacy Policy when handling complaints and appeals
- All complainants will be treated with respect
- Complaints will be taken as opportunities for improvement
- A complaint cannot be anonymous as this could be unfair and lacking transparency in the resolution processes between the parties concerned
- CSE does not charge for the processing of a complaint or appeal
- All formal complaints are recorded in the complaints and appeals register
- All formal complaints will be acknowledged in writing **within 10 working days** of the complaint being lodged. The acknowledgement will provide advice that if the

complainant is not satisfied with the outcome of the internal complaints and appeals process, they have the right to access the external appeals process

- CSE aims to finalise any complaints and appeals **within 60 days** of the initial lodgement
- If the resolution or finalisation of a complaint **will possibly take longer than 60 days**, then the complainant shall be advised in writing of the time line for resolution and any further information available at the time. The complainant or appellant will be regularly updated on the progress of the matter
- Complainants will not be victimised because of making a complaint or appealing a decision
- Students making a complaint or raising an appeal will continue to participate in their course as normal during the handling of the complaint or appeal (except where the student has been suspended or their enrolment has been terminated) under other policy guidelines
- Appeals against a previous complaint decision will be reviewed by a panel of relevant persons (example panels for academic appeals might include an Education Manager, Trainers/Assessors not directly involved in the complaint, and the Compliance Manager. Non-academic appeals may be reviewed by the Marketing Manager, Finance Manager, Student Services Officer, and/or Compliance Manager)
- The Appellant is advised within 10 working days of the appeals decision and reason for the outcome, and that they have the right to access the external appeals process
- CSE will securely maintain records of all complaints and appeals and their outcomes
- When a complaint or appeal is finalised and a decision/outcome determined and advised to the complainant/appellant, CSE will take appropriate corrective action to eliminate or mitigate the likelihood of a reoccurrence of the situation.

6. PROCEDURES

6.1 Informal Complaint Resolution (Academic and Non-academic)

Informal complaints are **not** lodged on the Complaints and Appeals Form and are not logged into the Complaints and Appeals Register. Refer to definitions section for further explanation. The intent of informal complaints and appeals is to provide a platform for all parties to try to resolve any matters informally.

Informal complaints resolution is not a compulsory part of the complaints process, but it is the process all parties can take as the first step to seek resolution of a complaint or appeal regardless of whether the complaint or appeal relates to academic or non-academic matters.

The parties involved in seeking a resolution of an information complaint will attempt to resolve the matter via discussion, negotiation and verbal agreements in the first instance. Refer to the process map on page 8.

6.2 Formal Complaint Procedure (Non-academic)

The complainant must submit their complaint in writing either on the CSE Complaints and Appeals Form, via email or in hard copy posted or delivered and addressed to the attention of the Senior Management.

The exception is where the complaint relates directly to the Senior Management, and in this case, should be addressed and forwarded to the Principal Executive Officer. Contact and

address details are shown at the bottom of the front page of this policy and procedure document. Refer to the process map attached to this policy.

- a) Details which must be included in the complaint submission are:
 - i. complainants name,
 - ii. complainants contact details,
 - iii. date or dates of the situations which led to the complaint,
 - iv. a brief description of the nature of the complaint,
 - v. further details and/or a list of evidence which is available or is attached to the complaint submission,
 - vi. the action or outcome that the complainant is seeking.
- b) The recipient of the complaint will log the complaint into the Complaints and Appeals Register on the QMS (maintaining required level of privacy).
- c) CSE will acknowledge receipt of the formal complaint and **commence the complaints process within 10 working days** of the formal lodgement of the complaint and supporting information. All reasonable measures are taken to finalise the process as soon as practicable.
- d) The complaint is investigated fairly and equitably by the Senior Management (or Principal Executive Officer) who will also involve other persons as applicable to gain a fair and equitable understanding of the situation.
- e) The complainant has the right to have their version of events considered and may have an independent support person present to assist during any discussions relating to the complaint.
- f) The complainant will be advised in writing, **within 10 working days** of the final decision/outcome of the complaint and the reasons for the decision/outcome.
- g) The decision/outcome will be recorded in the complaints and appeals register
- h) If the complaint was received from an existing student, appropriate notes are added to the student's file (electronic and/or hard copy) if applicable.

6.3 Formal Complaint Procedure (Academic)

The steps listed in the Formal Complaint Procedure (Non-academic) above also apply for the formal complaint procedures (Academic) with the following inclusions:

- a student who is appealing an assessment decision must lodge the appeal within thirty (30) days from the date the students receives the assessment decision,
- where the complaint relates to assessment results/outcomes, the Senior Management or Principal Executive Officer may decide to have the assessments re-marked by assessor/s not involved with the initial assessment marking.

6.4 Formal Appeals (Internal)

- a) CSE provides all persons with the right to appeal and request a review of a decision or outcome of a complaint they had previously raised with CSE, including assessment decisions.
- b) The appellant is to lodge the appeal on the Complaints and Appeals Form, referencing the original complaint, and giving the reasons why they have lodged the appeal.
- c) The appeal is to be addressed to either the Senior Management or the Principal Executive Officer.
- d) Appeal applications will be acknowledged and the appeal review process commenced **within 10 working days** of the date the application was lodged.

- e) All formal appeals will be reviewed by a panel established by the Senior Management or the Principal Executive Officer. The members of the panel will be decided by the Senior Management or the Principal Executive Officer and will be appropriate to the nature of the appeal.
- f) If the resolution or finalisation of the appeal will possibly take **longer than 60 days**, then the appellant shall be advised in writing of the time line for resolution and any further information available at the time. The appellant will be regularly updated on the progress of the matter.
- g) If the Appellant is not successful in the CSE appeals process, CSE will advise the appellant of the decision **within 10 working days of concluding the internal review** and will also advise the appellant of their right to access external complaints handling and appeals process and provide the appellant with contact details for appropriate complaints handling and external appeals bodies.

6.5 Appeals (External)

In the event that a person who has appealed a complaint decision is not satisfied with the final decision or outcome of their appeal, there are several avenues that the person can take to lodge a complaint to a body which is external to CSE. Listed below are a few of the organisations that will consider complaints relating to Registered Training Organisations.

Department of Education and Training National Training Complaints Hotline:

<https://www.education.gov.au/NTCH> Phone 13 38 73 or via email – details are on their website.

Commonwealth Ombudsman for Overseas Students –

<http://www.ombudsman.gov.au/about/overseas-students>

Australian Skills Quality Authority (ASQA)

<https://www.asqa.gov.au/complaints>

Fair Work Ombudsman (for employees)

<https://www.fairwork.gov.au/>

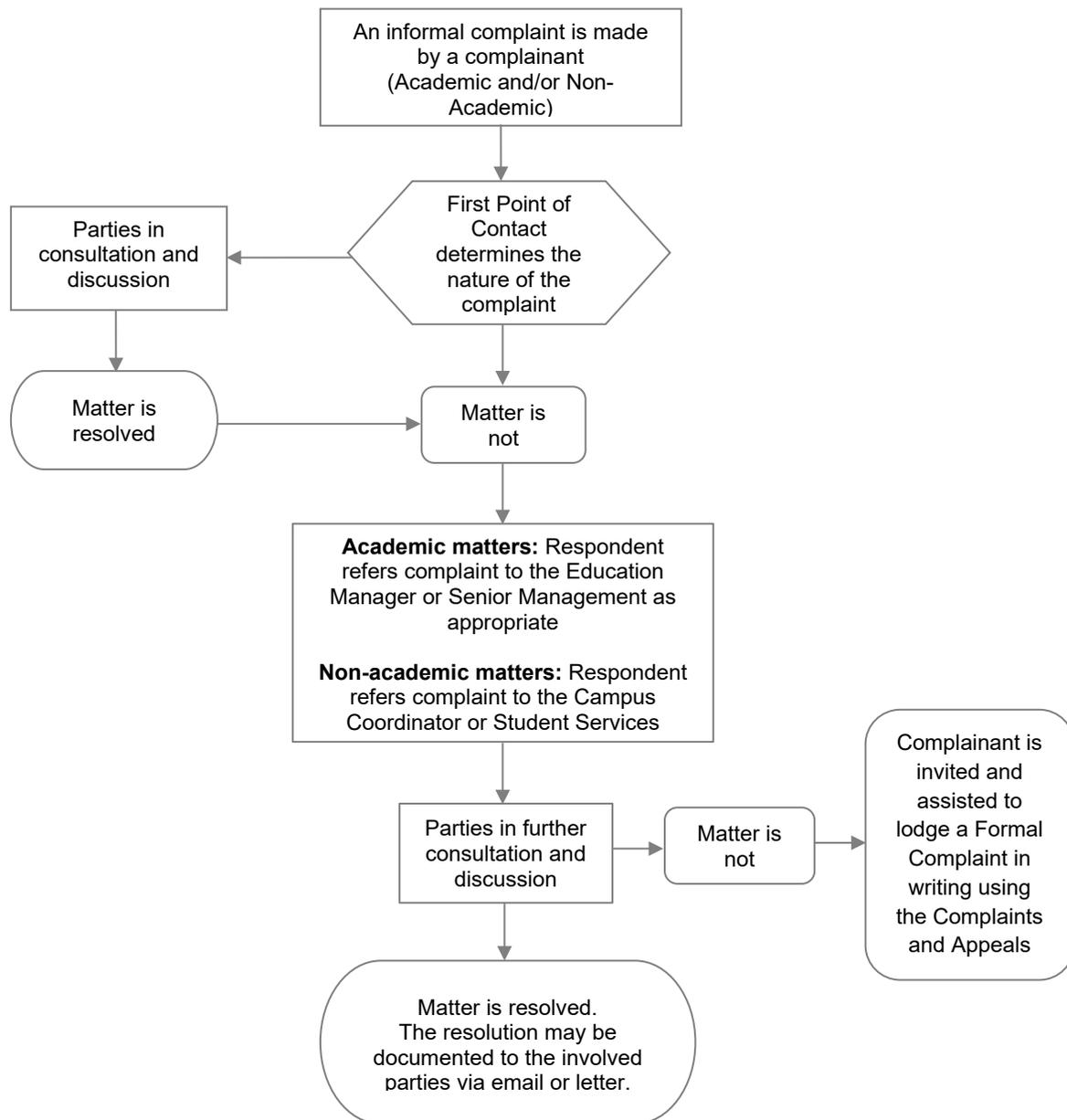
Australian Consumer Law

<http://consumerlaw.gov.au/consumers-and-the-acl/consumer-questions-and-complaints/>

7. RELATED DOCUMENTS

Complaints and Appeals Form.

8. PROCESS MAP: INFORMAL COMPLAINT AND APPEAL PROCESS



9. MAP: FORMAL COMPLAINT AND APPEAL PROCESS

