



STUDENT COMPLAINTS AND APPEALS POLICY

PREAMBLE

The College aims to provide an effective and acceptable procedure for students to bring complaints and appeals to the attention of the College.

All complaints and appeals by a student will be handled professionally and confidentially, with the aim of achieving a satisfactory resolution as soon as practicable. The College is committed to conducting the assessment of all complaints or appeals in a professional, fair and transparent manner.

This Policy is available to all students via the College's website. A summary of the Policy is displayed on all Campus notice boards.

DEFINITIONS AND ACRONYMS

“**College**” means Australian Pacific College, English Unlimited and APC Design School.

Domestic Students means an Australian citizen or Australian permanent resident and may include VSL Eligible Students.

“**ESOS Act**” means the Education Services for Overseas Students Act 2000

“**Extenuating Circumstances**” relating to the welfare of the student include, but are not limited to, circumstances where the student:

- refuses to maintain approved care arrangements (only for students under 18 years of age);
- is missing;
- has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's well being;
- has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- is at risk of committing a criminal offence.

“**Intending Overseas Students**” means a person (whether within or outside Australia) who intends to become, or who has taken any steps towards becoming, an Student Visa Holder Student.

“**LEU**” means the Learner Experience Unit.

“**Policy**” means this Student Complaints and Appeals Policy.

“**QAREC**” means the Quality Assurance, Risk and Ethics Committee.

“**Student Complaints and Appeals Register**” means the College's register of complaints



and appeals.

“Student Feedback Register” means the College’s register of feedback.

“Student Visa Holder Overseas Student” means a person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act.

“Underage Student” means a student of the College who is under the age of 18 years (calculated from the time of the student’s date of birth) at the date of enrolment with the College.

“VSL” means VET Student Loans, the Commonwealth of Australia’s income contingent loan scheme.

VSL Eligible Students are students that must be:

- i) an Australian citizen; or
- ii) the holder of a permanent humanitarian visa who is usually resident in Australia; or
- iii) a qualifying New Zealand citizen.

1. AUTHORITY, RESPONSIBILITY AND ACCOUNTABILITY OF STAFF AND MANAGERS

1.1 QAREC has authority for the complaints and appeals processes and procedures of the College.

1.2 LEU has responsibility for this Policy and its implementation.

1.3 Student Care is accountable for responding to student feedback and complaints in an appropriate manner. They also have the responsibility of ensuring that students involved in the feedback/complaint and appeals process understand their rights and responsibilities in relation to this Policy. For academic matters, the Academic Manager or delegate will be accountable for responding to student feedback and complaints.

1.4 The staff member charged with conducting the complaints and appeals process must ensure that all determinations are actioned and outcomes properly documented in either the Student Feedback Register or the Student Complaints and Appeals Register. Staff must conduct all assessments of feedback, complaints and appeals in a professional, fair and transparent manner, applying the principles of natural justice and procedural fairness at all times.

1.5 If the feedback, complaint or appeal comes from an Underage Student, Student Care together with the Campus Manager are responsible for responding to that feedback/complaint/appeal. They also have the responsibility of ensuring that students involved in the feedback or complaints and appeals process understand their rights and responsibilities in relation to this Policy.



- 1.6 All communication with an Underage Student in relation to feedback, complaints or appeals must be copied to the parent/carer noted in the College records. An Underage Student must be accompanied by their parent/carer to any meetings held by the College in relation to a complaint/appeal or feedback.

2. STUDENT FEEDBACK

- 2.1 The College encourages and welcomes student feedback regarding their experience at the College and the College's performance. Students can provide their feedback using the Student Feedback Form provided to them by Student Care.
- 2.2 All feedback received by the College is logged and managed by Student Care in accordance with the Student Feedback Guidelines and recorded in the Student Feedback Register.
- 2.3 If Student Care receives feedback from a student via either the Student Feedback Form or if a student contacts them directly and Student Care or the student decides that the feedback is something that should be addressed as a complaint or appeal by this Policy, then the student will be advised to follow either the informal internal process set out in clause 4 below, or the formal internal process set out in clause 5 of this Policy.

3. INTERNAL COMPLAINTS AND APPEALS PROCESS

- 3.1 The College has a two (2) step internal complaints and appeals process (which is discussed in detail below):
 - a) **Step 1** involves an *informal internal stage* to resolve complaints or appeals.
 - b) **Step 2** involves a *formal internal stage*, which requires a complaint or appeal to be made in writing and formally lodged with the College. The College will undertake an investigation of the complaint or review the decision subject to appeal and a written report of the outcome of the investigation or appeal will be prepared.
- 3.2 The College's internal complaints and appeals process is provided at no cost to the student.
- 3.3 The College's internal complaints and appeals process is provided to respond to allegations involving the conduct of the College, its agents, teachers, trainers, assessors, students and administrative staff members.
- 3.4 The College will not victimise or discriminate against a student for using this Policy.

4. STEP 1 – INFORMAL INTERNAL STAGE

- 4.1 **SELF HELP** - Students are encouraged to attempt informal resolution of any complaint or appeal they may have by directly talking to the staff member or student to whom the complaint or appeal relates.
- 4.2 **SEEK ASSISTANCE** - If self help fails (see clause 4.1), or the student doesn't feel they can personally deal with the problem, or the problem continues, they should seek immediate help from Student Care. The person you seek help from will listen to you, discuss options for resolution and assist you with taking the next step in resolving the problem. These discussions will be recorded and filed in the **Student Feedback Register** and the student's file.
- 4.3 For **academic matters**, that is, matters concerning teaching, learning, or assessment issues in courses, the student should discuss the matter with the relevant teacher or trainer. If the student believes that the matter cannot be resolved by discussion with the relevant teacher or trainer, then the student should see the Academic Manager.
- 4.4 For **administrative matters**, that is, matters concerning the management of the College including the administration of enrolment, the College's education agents or any related party the College has an arrangement with to deliver courses or related services, the student should see Student Care.
- 4.5 For **personal or welfare matters**, that is, matters concerning security, safety and general well-being the student should see Student Care. ***In cases concerning a student's immediate safety and security, the student should see any staff member or security guard.***
- 4.6 If it is not possible to resolve complaints informally a student should proceed to the formal complaints and appeals process set out in clause 5 immediately.
- 4.7 All informal attempts at resolution of a complaint should be documented and filed in the student's file and in the College's **Student Feedback Register**.
- 4.8 If a student has a serious complaint regarding inappropriate conduct or behaviour of any teacher, trainer or staff member they should arrange to see the Assistant Academic Manager or the Campus Coordinator/Manager/Director **immediately**. The Academic Manager or the Campus Manager/Director will decide if the complaint should be escalated to the formal internal stage in clause 5 below. The Academic Manager or Campus Manager/Director should immediately inform Student Care of this matter and it should be recorded in the College's Student Feedback Register.

5. STEP 2 – FORMAL INTERNAL STAGE

- 5.1 The procedure in this clause should only be used after the student has, where possible, attempted to resolve their matter informally (as per clause 4 above) or may be used where they have a serious complaint regarding any matter concerning the



College, its agents, teachers, trainers, assessors, other students or staff members or where you are appealing a decision of the College.

- 5.2 All formal complaints and appeals must be submitted in writing using either the digital or hard copy version of the **Complaints and Appeals Form**. The form is available on the College websites and from Student Care. Student Care can also assist the student complete this form if required.
- 5.3 When completing the Complaints and Appeals Form, the student should provide a detailed report of their complaint or appeal and if necessary attach any documentation they believe to be relevant (including but not limited to their documented attempts at informal resolution).
- 5.4 The completed Complaints and Appeals Form must be submitted to Student Care (or in limited circumstances when appropriate, to the Academic Manager or Campus Manager/Director). The student will receive an acknowledgement that their complaint or appeal has been received by the College.

6. INVESTIGATION OF THE FORMAL COMPLAINT OR APPEAL

- 6.1 The College will commence an investigation of the submitted written complaint or appeal no later than 10 days of receipt of the completed Complaints and Appeals Form.
- 6.2 As part of the College's investigation, the student will be given an opportunity to present their complaint or appeal at a formal meeting if necessary. The student may invite a support person to accompany and assist them in the meeting at their cost. The student may also be asked to provide relevant supporting documentation or additional documentation and may be asked to take steps to verify the authenticity of the documents they provide (including medical certificates, if relevant).
- 6.3 Where a complaint concerns another person, that person will be given the opportunity to provide a formal response to the complaint.
- 6.4 In the event that the College suspects the complaint/appeal will take longer than 60 calendar days to resolve, the College will advise the student in writing of the reasons why the process needs additional time. The College will keep the student informed of the progress of the complaints and appeals process.

7. FINALISATION OF FORMAL COMPLAINTS AND APPEALS

- 7.1 The College will finalise the Complaint and Appeals Process as soon as practicable.
- 7.2 The College will communicate the outcome of the investigation of the complaint or appeal and a written report of the outcome, including the reasons for the outcome, to the person who made the complaint. A copy of the complaint or appeal, the written report (including the outcome and reasons for the outcome) and other related records will also be kept by the College on the student's file and the College's Complaint and Appeals Register.



8. FORMAL EXTERNAL COMPLAINTS AND APPEALS PROCESS

8.1 Students who are not satisfied with the result or conduct of the College's internal complaints and appeals process have the right to access an external complaints handling and appeals process at minimal or no cost. The College will remind students of this right in writing when communicating the outcome.

8.2 Student Visa Holder Students may contact the Overseas Students Ombudsman to externally pursue a complaint or appeal. The Overseas Students Ombudsman investigates complaints about problems that Student Visa Holder Students or Intending Overseas Students may have with private education and training in Australia. The Overseas Students Ombudsman provides a free, independent and impartial service. The Ombudsman does not represent either overseas students or private education providers and can make recommendations arising out of investigations.

8.3 VSL Eligible and Domestic Students may contact an independent mediator which can be requested through the Resolution Institute directly as follows:

Phone: 02 9251 3366
Free Call: 1800 651 650
Email: infoaus@resolution.institute

8.4 Students who access the external appeal process should be aware that the College may be requested to disclose information that is private and personal to the student and by accessing the external appeal process, the student consents to the disclosure of such private and personal information by the College.

8.5 Students may also take action under Australia's consumer protection laws and, where a student does so, the student is deemed to have accessed the College's internal complaints and appeals process. This can be done through the Department of Fair Trading or the Australian Skills Quality Authority or the VET Student Loans Ombudsman (VSLO) on vet.ombudsman.gov.au/how-can-we-help.

8.6 Other external review agencies include the [Anti-Discrimination Board](http://www.adb.gov.au) (02 9268 5555) or the [Department of Fair Trading](http://www.fairtrading.gov.au) (13 3220).

8.7 Students who access the external complaints and appeals process will need to follow the procedure set out by the relevant external body.

9. DECISIONS

9.1 Where any internal or external complaints and appeals process results in a decision that supports the student, the College will as soon as practicable implement the decision/recommendation and any corrective and/or preventative action required and advise the student of the outcome.



10. UNSATISFACTORY COURSE PROGRESS OR ATTENDANCE (STUDENT VISA HOLDER STUDENTS ONLY)

- 10.1 The College is, in some cases, required to report a student to the relevant Australian government authorities for unsatisfactory course progress or unsatisfactory attendance which has serious consequences and may impact on the student's visa. Refer to the VET Course Progress Policy, ELICOS Course Progress Policy or the ELICOS Attendance Policy for more information.
- 10.2 In the case where the College intends to report the student for unsatisfactory course progress or unsatisfactory attendance, the student will be notified in writing and given **20 working days** to access the College's internal complaints and appeals process (clauses 4 and 5 above). The 20 working day period will commence from the date the student receives notification of the College's intention to report the student. If the student does not access the College's internal complaints and appeals process within the 20 working days then the College will report the student without further notice.
- 10.3 Where the student accesses the complaints and appeals process, the College will maintain the student's enrolment and not report the student until the College's internal complaints and appeals process and, if accessed, the external complaints and appeals process is complete and a decision has been made to support the action of reporting the student.

11. CANCELLATION OR SUSPENSION OF STUDENT'S ENROLMENT

- 11.1 The College is entitled to suspend or cancel a student's enrolment at the College in certain circumstances including, but not limited to, where the student fails to pay fees or other monies due and payable or misbehaviour by the student. Refer to the College's Deferment, Suspension and Cancellation Policy for more information.
- 11.2 In the case where the College intends to suspend or cancel the student's enrolment at the College, the student will be notified in writing and given **20 working days** to access the College's internal complaints and appeals process (clauses 4 and 5 above). The 20 working days will commence from the date the student receives notification of the College's intention to suspend or cancel the student's enrolment. If the student does not access the College's internal complaints and appeals process within the 20 working days then the College will suspend or cancel the student's enrolment without further notice.
- 11.3 For Student Visa Holder Students only, failure to comply with the time limit above will result in the suspension or cancellation of the student's enrolment, which may impact on the student's visa.
- 11.4 If the student accesses the College's internal complaints and appeals process, the College will maintain the student's enrolment until the complaints and appeals process is completed, unless Extenuating Circumstances relating to the welfare of



the student apply, in which case the College may immediately suspend or cancel the student’s enrolment prior to the completion of the complaints and appeals process.

11.5 No cancellation of a VSL or Domestic Student’s enrolment will occur unless 28 days have expired since the date of the initial notification of cancellation letter sent by the College to the student.

12. FURTHER INFORMATION

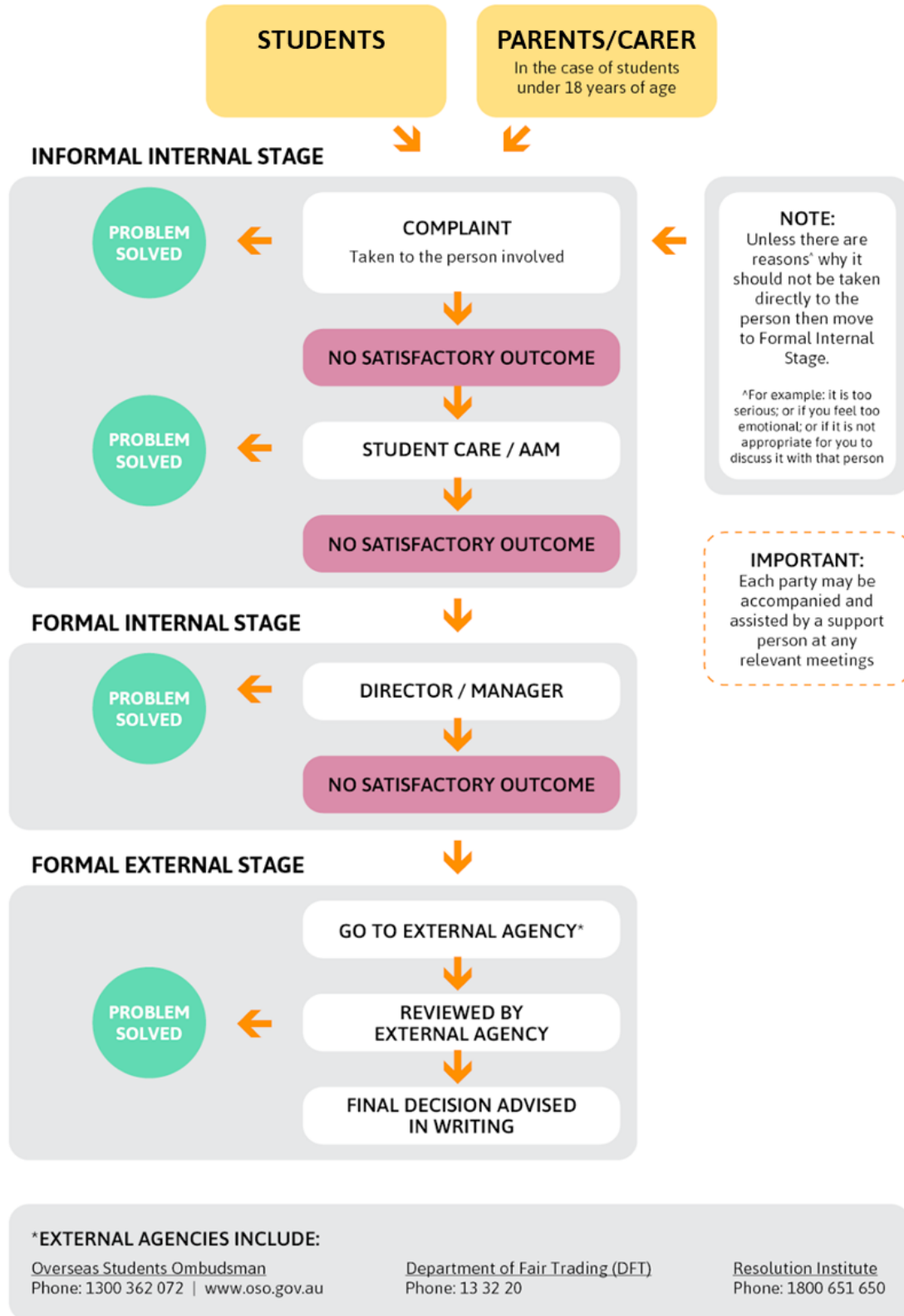
12.1 For further information please contact:

State	Telephone	Email
Queensland	1300 830 272	For English Unlimited: info@eu.edu.au
New South Wales		
Victoria		For Australian Pacific College/APC Design School: info@apc.edu.au

12.2 The College’s websites also contain links to important legal sites in Australia.

12.3 Students should be aware that the College’s letter of offer and the availability of the complaints and appeals process does not remove the right of the student to take action under Australia’s consumer protection laws.

STUDENT COMPLAINTS AND APPEALS PROCESS





POLICY REVIEW

This Policy will be reviewed as part of the College's three (3) yearly review or as legislation requires.

RELEVANT LEGISLATION

Relevant Legislation/codes/standards	
Commonwealth	National Code of Practice for Providers of Education and Training to Overseas Students 2018 and Education Services for Overseas Students Act 2000 (Cth) Higher Education Support Act 2003 (Cth) The VET Student Loans Act 2016 (Cth) The Standards for Registered Training Organisations 2015

RELATED POLICIES AND PROCEDURES

Related Policies and Procedures	
Policies	ELICOS Course Progress Policy; VET Course Progress Policy; ELICOS Attendance Policy; VET Attendance Policy; and Harassment, Victimization and Bullying Policy Student Feedback Guidelines Deferral, Suspension and Cancellation Policy

KEYWORDS

Keywords	Complaints, appeals, internal complaints procedure, external complaints procedure, ombudsman
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POLICY OWNER

Policy Owner	Learner Experience Unit
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POLICY/PROCEDURE HISTORY

Policy History			
Current version	Current version release date	Author	Description of changes
Student Complaints and Appeals Policy	23 March 2015	Sharon Luhr	Original Document



v2.1R			
Student Complaints and Appeals Policy v2.3R	December 2017	Sara Gaudry	Full update in accordance with the Policy and Procedure Template v1.0, Guidelines for Drafting Policies and Procedures v1.0 and the National Code 2018.
Student Complaints and Appeals Policy v2.4R	January 2019	Sara Gaudry	Revision of the Student Complaints and Appeals Policy v2.3R.
Student Complaints and Appeals Policy v2.5R(APC/EU/APC Design School)	May 2021	Sara Gaudry	Inclusion of APC Design School and removal of APTT and general review.
Student Complaints and Appeals Policy v2.6R(APC/EU/APC Design School)	October 2021	Sara Gaudry Ron Newman Marta Setkowicz	Inclusion of informal feedback process and VSL requirements.
Student Complaints and Appeals Policy v2.7R(APC/EU/APC Design School)	June 2022	Sara Gaudry Marta Setkowicz	Update of flowchart and addition of under 18s clause (see clauses 1.5 and 1.6) and definition.