

Student Complaints and Appeal Policy

SMP4_Version 1.0

Implemented: October 2017

To be reviewed: October 2018



Policy

YES College endeavors to create a positive learning environment, free of coercion, unfair treatment or harassment. Any circumstance caused by YES College, its trainers, assessors or other staff, a third party providing services on YES College's behalf (including, the third party organization itself, their trainers, assessors or other staff), or another learner of YES College, which affects the well-being of a student, will be dealt with in a professional manner in line with published procedures. Students who are dissatisfied with decisions made by the College will be able to access the College's internal and external appeals processes, which are handled with care, fairness, professionalism, objectivity and independence. Should a student access YES College's appeal process, the students' enrolment will be maintained until the internal appeals process and if necessary, external appeals process has been completed. Once the appeals process has been completed, YES College will undertake necessary actions depending on the outcome of the appeals process, within 10 working days of the process being finalized.

General Guidelines

1.0 A complaint is defined as a dissatisfaction with a treatment or service made by:

- 1.1 YES College, its trainers, assessors or other staff
- 1.2 A third party providing services on YES College's behalf (including, the third party organization itself, their trainers, assessors or other staff)
- 1.3 Another learner of YES College

Examples of complaints include, but are not limited to:

- a) Unfair treatment conducted by any party identified in point 1.0 of this policy
- b) State of classroom facilities, equipment or resources of YES College or third party organisations providing services on YES College's behalf
- c) Time taken to receive feedback on academic results
- d) Time taken to access any service provided by YES College or a third party organization providing services on YES College's behalf
- e) Any interaction conducted by a party identified in point 1.0 of this policy

2.0 An appeal is defined as a dissatisfaction with a decision made by YES College, or a third party providing services on YES College's behalf.

Examples of appeals include, but are not limited to, a review of:

- a) A decision, including an assessment decision made by a YES College assessor or assessor of a third party providing services on YES College's behalf
- b) YES College's intention to report a student for non-compliance of a visa condition

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- c) YES College's decision to not provide a student refund
- d) YES College's decision to not approve a transfer request
- e) YES College's decision to not accept an enrolment
- f) YES College's decision to not approve a suspension of studies, deferment or cancellation request

Note that grounds for internal appeals generally fall in to, but are not limited to, one of the following categories:

- a) New evidence being received by the College, which was not reasonably available at the time that YES College or a third party providing services on YES College's behalf, made its decision
- b) Procedural irregularity by YES College or a third party providing services on YES College's behalf
- c) Other (compassionate or compelling circumstances)

3.0 Internal Complaints/Appeals Guidelines

- 3.1 There is no cost involved to students in accessing YES College's internal complaints and appeals process
- 3.2 All parties directly involved in the internal complaints and appeals process may be accompanied and assisted by a support person at any relevant meeting
- 3.3 Complaints and Appeals applications must be accompanied with relevant documentation e.g. written statements, names of witnesses and any other relevant documents to support the students' case. The evidence provided by the student will determine YES College's investigative activities and will form the basis of YES College's decision
- 3.4 Should a student not make an internal appeal within 20 working days of YES College or a third party providing services on YES College's behalf's initial decision, the initial decision will be maintained and the College or third party acting on YES College's behalf will act on the decision
- 3.5 All students that access YES College's complaints and appeals process will be provided with acknowledgement of receipt within 5 working days of the complete complaint/appeal (including supporting evidence) being received
- 3.6 YES College will maintain the students' enrolment while the complaints and appeals process is ongoing, and will not act on its', or a third party acting on YES College's behalf, initial decision until the appeals process has been completed. Students must in turn ensure they continue to meet their attendance and course progress requirements until the process has been completed
- 3.7 All students that access YES College's complaints and appeals process will be provided with written notification of the outcome, including reasons for the outcome, within 10 working days of the complete complaints/appeal being received

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- 3.8 Where the complaint or appeals process results in a decision that supports the student, YES College or a third party acting on YES College's behalf, will complete any corrective actions within 10 working days from the decision
- 3.9 Where the complaint or appeals process results in a decision that is not in favor of the student, the student may choose to access YES College's external appeals process within 10 working days of the internal appeal outcome
- 3.10 YES College will assist all students with the external appeals process and will provide the student with written acknowledgement that the external appeals process has been activated upon advice from the student
- 3.11 All records of the complaints and appeals process will be filed in the students file

4.0 External Complaints/Appeals Guidelines

- 4.1 Students that are dissatisfied with the outcome of YES College's internal complaints and appeals process, have the right to access YES College's external appeals process within 10 working days of the internal appeal outcome. Should a student not make an external appeal within 10 working days of the internal appeal outcome, YES College's initial decision will be maintained and the College will act on the initial decision
- 4.2 YES College's external appeal reviewers are:
 - Australian Council for Private Education and Training (Domestic Students)
 - Overseas Students Ombudsmen (International Students)
- 4.3 The external review is provided at minimum cost to students that wish to access it. Where there are appeal application fees involved with the above two mentioned bodies, YES College will cover 50% of the application fees, with the remaining 50% to be covered by the student
- 4.4 YES College will maintain the students' enrolment while the complaints and appeals process is ongoing, and will not act on the initial decision until the appeals process has been completed. Students must in turn ensure they continue to meet their attendance and course progress requirements until the process has been completed
- 4.5 In most cases, the purpose of the external appeals process is to consider whether YES College or a third party providing services on YES College's behalf has followed its policies and procedures, not to make a decision in place of YES College
- 4.6 The outcome of the external appeal is final, however does not remove the right for the student to take further action under Australia's Consumer Protection Laws, pursue other legal action or make a complaint to:
 - The National Training Complaints Hotline 13 38 73

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- Australian Skills Quality Authority (ASQA)
<http://www.asqa.gov.au/complaints/complaints.htm>
1 (complaints about information provided by RTO's, the quality of delivery and assessment and qualifications issued or yet to be issued only)
 - Department of Fair Trading
(<http://www.fairtrading.nsw.gov.au>)
 - Administrative Appeals Tribunal
(<http://www.aat.gov.au>)
- 4.7 Where the external complaints or appeals process with ACPET or OSO, results in a decision that supports the student, YES College will provide written advice to the student and any other relevant party of the outcome and will complete all necessary corrective actions within 10 working days
- 4.8 Where the external complaints or appeals process with ACPET or OSO, maintains YES College's or a third party providing services on YES College's behalf initial decision, the College will implement the actions as stated in the initial decision
- 4.9 All records of the complaints and appeals process will be filed in the relevant students' file
- 4.10 Students not satisfied with YES College's complaints and appeals process can contact the Department of Education and Training <https://www.education.gov.au/email-complaints> or phone 13 38 73

5.0 Complaints/Appeals Process

- **Informal Stage (Complaint only):** Student advises Student Services Team and attempts to solve the problem with the relevant party identified in point 1.0 of this policy informally.

If the student is satisfied with the outcome, no further action is needed.

If the student is not satisfied with the outcome, progress to step 1.

- **STEP 1 – INTERNAL (Complaint and Appeals):** Student completes the relevant form (YES College Complaint Form or YES College Internal Appeal Form) with relevant supporting documentation and lodges it with the Student Services Manager. For appeals, this must be within 20 working days of YES College or third party providing services on YES College's behalf's initial decision.

The Student Services Manager:

- a) Reviews the case and provides written advice of receiving the complaint/appeal within 5 working days of receiving the complete student submission
- b) Schedules a meeting with the relevant parties involved
- c) Provides student with outcome, including reasons for

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the outcome within 10 working days of receiving complete student submission

If the student is satisfied with the outcome, no further action is needed.

If the student is not satisfied with the outcome, progress to step 2.

- **STEP 2 – EXTERNAL (Complaints and Appeals):** Within 10 working days of receiving the outcome, the student makes an external appeal to the Australian Council for Private Education and Training (Domestic Students) or the Overseas Students Ombudsmen (International Students) and completes and submits the YES College External Appeal Form to the Student Services Manager.

The Student Services Manager:

- a) Provides ongoing assistance to the student in accessing the College's external appeals process
- b) Provides written advice acknowledging the students external complaint/appeal within 5 working days
- c) Provides student and other relevant parties with the final outcome, including reasons for the outcome within 10 working days of receiving notification from ACPET or OSO

ACPET and the OSO will review the appeal and inform YES College and the student of the outcome.

Note that in most cases, the purpose of the external appeals process will be to consider whether YES College or a third party providing services on YES College's behalf has followed its policies and procedures, not to make a decision in place of YES College. ACPET and OSO decisions are final however this does not remove the right for the student to take further action under Australia's Consumer Protection Laws or pursue further legal action.

Where the external complaints or appeals process with ACPET or OSO results in a decision that supports the student, YES College will provide written advice to the student and any other relevant party of the outcome and will complete all necessary corrective actions within 10 working days.

Where the external complaints or appeals process with ACPET or OSO, maintains YES College's or a third party providing services on YES College's behalf's initial decision, the College will implement the actions as stated in the initial decision

Domestic students lodging an external appeal should contact ACPET on 1800 657 644.

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International students lodging an external appeal with should contact the OSO on 1300 362 072.

Related Documents

- Complaint Form
- Internal Appeal Form
- External Appeal Form
- Internal Appeal Acknowledgement Letter
- Internal Appeal Outcome Letter
- External Appeal Acknowledgement Letter
- External Appeal Outcome Letter
- Complaint Register
- Appeal Register

Related Policies

- Student Entry Requirements, Selection, Enrolment and Orientation Policy
- Student Deferment, Suspension and Cancellation Policy
- Transfer between Providers Policy
- Student Refund Policy
- Student Attendance Policy
- Student Course Progress Policy
- Student Assessment, Reassessment and Repeating Units of Competency Guidelines Policy