

1. Purpose

The purpose of this policy is to outline Skills Australia Institute's approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

Skills Australia Institute endeavours to respect the right of students, staff and other members of the community and provide them with a positive environment with transparent and fair complaints and appeal procedure easily accessible to all and includes access to an independent external body if necessary. This policy ensures that all complaints and appeals are addressed promptly and equitably thus increasing satisfaction of students, staff and clients.

This policy ensures compliance with Clause 6 of the Standards for RTO's 2015 Chapter 3 Support and Progression, as well as compliance with the of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, Standard 10.

2. Scope

2.1 This policy applies to:

- 2.1.1 all staff;
- 2.1.2 current VET students and
- 2.1.3 prospective students VET.

3. Responsibility

3.1 The CEO is responsible for the following in relation to the complaints and appeals process:

- 3.1.1 oversight of the complaints and appeals management processes;
- 3.1.2 resolution of complaints and appeals;
- 3.1.3 recording of complaints and appeals; and
- 3.1.4 notifying students of the complaints and appeals outcome.

4. Definitions

Appeal	A dissatisfied result occurs and the student wishes to contest the results. The process involves the decision to be reviewed and re-evaluated with the student providing any evidence or an argument for this to occur. The results from this process may be Appeal decision upheld which results in the decision being overturned or the Appeal being rejected resulting in the previous decision standing.
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Internal Appeal	An appeal against a decision where the appeal is brought under Skills Australia Institutes policies and code of conducts or where there is a process for appeal within SAI's policies and procedures.
External Appeal	An appeal to an external agency against a final decision of Skills Australia Institute. Agencies may include the Ombudsman, the Privacy Commissioner, the Equal Opportunity and Human Rights Commissions or Department of Education (In relation to ESOS Act)
Complainant	A student lodging a complaint or grievance.
Complaint	Occurs when a grievance is unable to be resolved informally and therefore is put into writing for a formal process to occur.
International Student	A student studying in Australia on a student visa.

5. Policy Provisions

Principles

- 5.1 Skills Australia Institute provides a complaints and appeals process that is transparent, fair and equitable and refers students to an independent external body, if necessary.
- 5.2 Skills Australia Institute's complaints and appeals processes are:
- 5.2.1 available to all students;
 - 5.2.2 confidential; and
 - 5.2.3 free of cost.
- 5.3 The processes set out hereinafter do not replace or modify procedures or any other responsibilities which may arise under Skills Australia Institute's policies or under statute or any other law. Nothing in these procedures limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.
- 5.4 Skills Australia Institute will respond to any complaint or appeal a student makes regarding his or her dealings with the SAI. This includes education agents or third-party providers that deliver a course or related services.
- 5.5 The SAI provides complaints and appeals handling processes that adhere to the following principles. The SAI will:
- 5.5.1 respond to complaints and appeals from students via compliance@skillsaustralia.edu.au or directly from Student Services;
 - 5.5.2 commence the assessment of the complaint or appeal within 10 working days of lodgement and finalise the outcome as soon as possible;

- 5.5.3 aim to develop a culture where complaints and appeals are viewed as an opportunity for improvement at SAI;
 - 5.5.4 provide an environment in which students may make complaints without fear of discrimination;
 - 5.5.5 ensure that staff are aware of complaints and appeals processes and are trained appropriately to ensure that processes are consistently applied;
 - 5.5.6 require respectful behaviour amongst all parties when handling grievances;
 - 5.5.7 communicate effectively in a timely manner to keep all parties up to date with the progress of the grievance;
 - 5.5.8 ensure that the complainant will not be victimised or discriminated against at any time;
 - 5.5.9 take measures to hold information in the utmost confidence;
 - 5.5.10 apply the principles of natural justice;
 - 5.5.11 aim to resolve grievances to the satisfaction of all parties; and
 - 5.5.12 where more than 20 working days are required to finalise complaint, the complainant receives formal notification detailing the reason why additional time is required.
- 5.6 If a student lodges a formal complaint and it is not successful, Skills Australia Institute will advise the student within 10 working days of their right to access an external complaints or appeals process. Skills Australia Institute will provide the contact details of the appropriate external body within the notification sent to the student via email.
- 5.7 If the student lodges a complaint or appeal and it is in favour of the student, Skills Australia Institute will immediately implement the decision or recommendation and take the relevant preventive or corrective action. Skills Australia Institute will also advise the student of that action within the notification of the complaints or appeals outcome sent via email.
- 5.8 The process for handling complaints and appeals is separated into two streams: academic and non-academic. The overarching principle is for the complaint to be directed to the person or persons involved in the first instance, and then taken through the hierarchical structure if the issue is not resolved at each level. The final internal decisions are made by the Senior Management Team.
- 5.9 Current students, or those seeking to enrol in a course of study with the SAI, are entitled to access the complaints and appeals processes set out in this policy.
- 5.10 The complainant has the right to be represented by a third-party representative (such as a family member, friend, counsellor or other professional support person, other than a legal representative) if they require a support person. This is applicable for all types of complaints and at all stages during the process.
- 5.11 The SAI will maintain a register of all complaints and appeals, including any verbal or informal complaints.

Grounds for a complaint or appeal

- 5.12 Complaints or appeals may be lodged against decisions made under Skills Australia Institute policies or procedures, if the relevant document includes a right of complaint or appeal.
- 5.13 Complaints or appeals may occur because of decisions made including, but not limited to, the following:
- 5.13.1 complaint against a Skills Australia Institute third-party provider or staff member;

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- 5.13.2 complaint against another student's behaviour;
- 5.13.3 appeal of a final grade;
- 5.13.4 special consideration;
- 5.13.5 student discipline (including misconduct, cheating, unfair advantage and plagiarism);
- 5.13.6 unsatisfactory progress;
- 5.13.7 unsatisfactory attendance;
- 5.13.8 exclusion;
- 5.13.9 admission, enrolment, transfer and withdrawal;
- 5.13.10 credit;
- 5.13.11 fees and charges;
- 5.13.12 refunds;
- 5.13.13 bullying;
- 5.13.14 discrimination;
- 5.13.15 harassment;
- 5.13.16 privacy; and
- 5.13.17 conduct that has an unreasonable negative impact on the student.

6. External Complaints and Appeals

There is an external complaint/appeal process available to students if they have exhausted the above college/internal complaint and appeal procedures and still feel unsatisfied.

International students who wish to lodge an external appeal can do so through the Overseas Students Ombudsman. See the Overseas Students Ombudsman website www.oso.gov.au or phone 1300 362 072. The Overseas Students 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 training provider. SAI agrees to be bound by the independent mediator's recommendations and the CEO, or their nominee, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator's report. Each complaint, grievance, appeal and its outcome will be recorded in writing and each party to the complaint is given a written statement of the appeal outcomes, including reasons for the decision

7. Policy Information

Authorised Officer	CEO
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Complaints and Appeals Policy

Supporting documents, procedures & forms of this policy	<i>Student Complaints and Appeals Procedure (VET)</i> Complaints and Appeals Form (CAFO) CAFO Outcome Record Form Student Feedback Form Complaints Register How to Guide Processing emails within compliance Employee Meeting Record Form (EMRF) Assessment Policy Trainers Guide Student Handbook
Related Legislation and Codes of Practice	Standards for Registered Training Organisations (RTOs) 2015 National Code of Practice for Providers of Education and Training to Overseas Students 2018 Education Services for Overseas Students (ESOS) Act 2000 National Vocational Education and Training Regulator Act 2011 (Cth) Human Rights and Equal Opportunity Commission Act 1986 (Cth) Equal Opportunity Act 1995
Audience	Public