

P.03.02

COMPLAINTS AND APPEALS POLICY

1.0 INTRODUCTION

1.1 In line with the ESOS National Code 2018, Standard 10 - Complaints and appeals, AVETA has specifically design this policy and procedure to provide enrolling international students with a documented internal complaint handling and appeals process and policy, in order to provide these students with comprehensive, free and easily accessible information about the process and policy.

1.2 In the first instance the student should be advised to raise their complaint with the originating source. If the student believes that the matter cannot be resolved informally and they wish to peruse the matter further they should raise their complaint with AVETA's CEO.

1.3 AVETA's CEO will respond to any complaint the overseas student makes regarding their dealings with AVETA; or their Education Agents; or any other related party AVETA has an arrangement with to deliver/assess the overseas student's course or related services.

1.4 AVETA's CEO will commence assessment of the complaint or appeal within 10 working days of it being made in accordance with AVETA's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable. During this process AVETA will ensure that the overseas student is given an opportunity to formally present their case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings

1.5 During the assessment of the complaint or appeal it will at all times be handled in a professional, fair and transparent manner

1.6 AVETA will provide the overseas student with a written statement of the outcome of the internal complaint, including detailed reasons for the outcome and will keep a written record of the complaint, including a statement of the outcome and reasons for the outcome on the student's file.

1.7 If the overseas student is not successful after utilising AVETA's internal complaints handling process, AVETA's will advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external appeals process at minimal or no cost. AVETA will give the overseas student the contact details of the appropriate external appeals body.

1.8 If the internal complaints handling process or appeal results in a decision or recommendation in favour of the overseas student, AVETA will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.

1.9 A student's enrolment will be maintained whilst a complaint is in progress and the outcome has not been determined, except in cases where AVETA is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment.

1.10 Where a student wishes to appeal a decision made by AVETA they should do so in writing to AVETA's CEO. After conducting a review of the appeal, AVETA CEO will provide the overseas student with a written statement of the outcome of the appeal, including the reasons for the outcome and will keep a written record of the appeal on the student's file.

1.11 If the overseas student is not successful after utilising AVETA's appeal handling process, AVETA's will advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external appeal process at minimal or no cost. AVETA will give the overseas student the contact details of the appropriate external appeal body or bodies. In addressing "Complaints and Appeals" AVETA has defined these as:

- a "Internal Complaint" is where a prospective student or enrolled student registers a formal complaint, in writing using F.19.14b **concerning the manner (or behaviour)** in which AVETA or its staff (including Trainers/Assessors, Administrative Staff or Educational Agents) deals with or provides educational or marketing services to the student. This includes but is not limited to student facilities or amenities, or discrimination, sexual harassment, bullying or any other behavioural issue that may arise when enrolling or studying at AVETA.
- an "External Appeal" is where prospective student, enrolled student registers a formal appeal against a decision, in writing using F.01.14 **relating to a decision** made by AVETA or its staff (including but not limited to AVETA's CEO, Trainers/Assessors, Administrative/Support Staff or Educational Agents) dealing with, but not limited to, any educational or enrolment services provided to any of these people. This includes an appeal to challenge an assessment decision.

In addressing "Complaints and Appeals" AVETA has defined these as:

- a "**Internal Complaint**" is where a prospective student or enrolled student registers a complaint; initially this may be verbal and then can escalate in writing using F.19.14b, **concerning the manner (or behaviour)** in which AVETA or its staff (including Trainers/Assessors, Administrative Staff or Educational Agents) deals with or provides educational or marketing services to any of these groups. This also includes student amenities, discrimination, sexual harassment, bullying or any other issue that may arise when enrolling or studying at AVETA.
- an "**Appeal**" is where prospective student, enrolled student registers i) a formal appeal following an Internal Complaint or ii) where a student challenges an assessment decision made by their Assessor, both situations in writing using F.01.14, **relating to a decision** made by AVETA or their staff (including Trainers/Assessors, Administrative Staff or Educational Agents) dealing with, but not limited to, educational or enrolment services, or assessment decisions.
- In defining these situations a professional, fair and transparent manner, AVETA believes that it can ensure that both situations can be addressed in terms of clarity and efficiency; and where appropriate use the outcomes of these processes to identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
- This policy and corresponding procedure aligns to the:
 - **Standards for Registered Training Organisations (RTO's) 2015** Clauses 1.8, 2.2, 6.1, 6.2, 6.3, 6.4, 6.5 and
 - **Standard 10 of the ESOS National Code (2018).**

2.0 COMMUNICATION OF THE COMPLAINTS AND APPEALS POLICY

a) All AVETA prospective students will be provided with information about AVETA's Complaints and Appeals Policy prior to the formalisation of enrolment through:

- Course Pre-enrolment Information Sheets, and on
- AVETA's website www.aveta.edu.au

b) This policy will also be available to students through the following sources:

- Student Handbook
- Skill and knowledge Assessment Tool (given to students at the beginning of the delivery of each unit of competency)
- At the AVETA's Reception

3.0 EXTERNAL COMPLAINTS AND APPEALS

a) Students have a variety of available options available to them if they wish to lodge an external complaint or appeal. These options include lodging a complaint through one of the following organisations or tribunals:

- ASQA* (<http://www.asqa.gov.au/complaints/making-a-complaint.html>)
- For "Bullying" issues direct to Fair Work Commission (<http://www.fwc.gov.au/>)
Administrative Appeals Tribunal (<http://www.aat.gov.au>)

* Note that ASQA can only deal with complaints concerning the following:

- the information provided by an RTO about the courses listed on the RTO's Scope of Registration
- the delivery and assessment of training provided and/or not provided to the enrolled student
- the qualifications issued or to be issued.

b) If an International student is not satisfied with the result or conduct of the internal complaint handling and appeals process, AVETA will advise the student of their right to access the external appeals process through the Overseas Student Ombudsman at no cost to themselves. The Overseas Student Ombudsman can be contacted as follows:
ombudsman@ombudsman.gov.au or phone: 1300 362 072

c) Nothing in this policy or corresponding procedure inhibits the student to pursue other legal remedies under Australian Consumer Law. All International Students are entitled to have their dispute resolved by exercising their rights to other legal remedies; however where a student exercises this right any expenses incurred by the student will need to be borne by the student. Students wishing to take this course of action are advised to:

- Contact a solicitor; or
- Contact the Law Institute of Victoria for a referral to a solicitor (Level 13, 140 William Street, Melbourne VIC 3000, Tel- 9607 9311, www.liv.asn.au); or
- Contact one of the following legal aid providers: www.legalaid.vic.gov.au or www.wsls.org.au

d) If the external complaint handling or appeal process results in a decision that supports the student, AVETA will immediately implement any decision and/or corrective and preventative action required and will advise the student of this outcome.