

PR.03.03

COMPLAINTS AND APPEALS PROCEDURES

1.0 POLICY REFERENCE

Complaints and Appeals Policy P.03.02

2.0 COMPLAINTS AND APPEALS PROCEDURES

AVETA's complaints and appeals process (relating to enrolled International and Domestic students and AVETA's employees) contains the formal method of resolution.

All records relating to the complaint will be placed on the students or staff file.

At all times throughout the complaints and appeals procedure it will be handled with confidentiality by all parties involved.

2.1 Formal Complaints

- a) Students or AVETA's employees who want to register a formal complaint should do so in writing to AVETA's CEO.
- b) The employee or student involved can have support people with them at any time during the process
- c) AVETA's CEO will handle the complaint, within 20 working days, with confidentiality and:
 - investigate the allegations
 - apply natural justice principles
 - find whether the allegations happened or were likely to have happened
 - make a report and recommend an action
 - implement an outcome
- d) AVETA's CEO will document every step to ensure consistency and fairness using AVETA's F.19.14b Student Complaint Form and maintain this record on the student or staff file.
- e) It is important that AVETA's CEO remains impartial throughout the entire process.
- f) AVETA's CEO will decide whether the allegation is sustained and what resolution and appropriate action will follow the outcome of the decision. Appropriate action could result in any of the following but not limited to:
 - requesting that the behaviour cease
 - removing anything offensive – graffiti, posters, screen savers, social media
 - discussing support options with both sides
 - asking them to consider meeting to resolve the issue using a mediator
 - monitoring the situation to ensure offensive behaviour is not continuing
 - monitoring to ensure neither party is victimised
- g) AVETA's CEO will inform those involved where else they may be able to obtain support - for example, the Victorian Equal Opportunity Commission, or Work Safe Victoria or Fair Work Australia or Overseas Students Ombudsman
- h) The resolution phase will commence immediately as soon as the decision is made by AVETA's CEO.
- i) Where AVETA's CEO considers that the resolution of a complaint or appeal is likely to take more than 60 calendar days to finalise the complaint or appeal, AVETA's CEO will:
 - inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
 - regularly update the complainant or appellant on the progress of the matter.

2.2 In line with the ASQA directive regarding making a complaint directly to ASQA:

Domestic students (including permanent residents)

- a) If a local/domestic student of an ASQA RTO (AVETA) and intends to make a complaint, they must first follow AVETA's complaints and appeals procedures.
- b) If, after following AVETA's procedures, they still believe AVETA is breaching or has breached its legal requirements, they can submit a complaint to ASQA by completing the online complaint form (<http://www.asqa.gov.au/complaints/making-a-complaint.html>)
- c) Except in exceptional circumstances, the student must attach evidence to their complaint form showing:
 - i. that they have followed AVETA's complaints procedures, and AVETA's response.
 - ii. ASQA's processes require the student to identify themselves to ASQA as a complainant, although they may request that their identity is kept confidential throughout any investigation that ASQA undertakes.

Overseas students (International Students)

- a) An International Student, who is an overseas student in Australia on an overseas student visa, must provide AVETA with an opportunity to address their complaint by following AVETA's complaints and appeals procedures, in accordance with Standard 8 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the National Code).
- b) AVETA will give the student a written statement of the outcome, including reasons for the outcome.
- c) If they are not satisfied with the outcome, or the way AVETA handled the complaint, the student is entitled to take their complaint to an external appeals body.
- d) Overseas students enrolled with AVETA can lodge an external appeal with the Commonwealth Overseas Students Ombudsman. Contact details for the Overseas Students Ombudsman are available from www.oso.gov.au .
- e) Contact details for the State Ombudsman Offices are available from the following website: www.ombudsman.vic.gov.au

3.0 REFERENCES

3.1 ESOS Act (2000) - <https://www.legislation.gov.au/Details/C2020C00039>

3.2 ESOS National Code (2018) - [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(legislation.gov.au\)](http://www.legislation.gov.au/Details/C2018C00001)

3.3 Standards for Registered Training Organisations (RTO's) 2015 - [Users' guide to Standards for RTOs 2015 | Australian Skills Quality Authority \(ASQA\)](http://www.asqa.gov.au/standards)