

COMPLAINTS AND APPEALS POLICY & PROCEDURE National Code Standard 10

This policy will be given to students before a contract is entered into **or** before an amount of money has been paid **whichever happens first**.

This policy and Procedure must be provided in full in the International Student Written Agreement/Acceptance of Offer.

Written records of all complaints including the outcomes and appeals will be kept in detail on student files and provided to the student.

All complaints and appeals will be handled fairly, professionally, equitably, confidentially, and in a timely manner, with a view to achieving a satisfactory resolution as soon as practicable.

Stellar College Pty Ltd t/a Stellar College will in the first instance always endeavour to resolve complaints/disputes informally.

Students are encouraged to firstly talk to a member of staff as soon as a problem arises.

Stellar College is committed to dealing with complaints/disputes in a fair and timely manner.

- Where possible the complaint will be dealt with immediately by Compliance Officer / Student Support Officer.
- Students and/or college staff may be accompanied and assisted by a support person at any relevant meeting.
- Each complainant or appellant is given the opportunity to formally represent his or her case as minimal or no cost to him or herself.
- The formal complaints assessment process will commence within 10 working days of the college receipt of a completed written complaint or appeal and supporting information.
- Stellar College will take all reasonable steps to finalise the process within 21 days from commencement or as soon as practicable. A written response, advising of the outcome will be provided.
- The complainant will be provided with a written statement of the outcome of each stage of the complaint/appeal, including details of the reasons of the outcome.
- If a student chooses to access the Stellar College complaints and appeals process, Stellar College must maintain the student's enrolment while the complaints/appeals process is ongoing.
- The college will respond to any complaint or appeal an overseas student makes regarding their dealings with the college, the College's agents or any related party the college has an arrangement with the college to deliver a course or related services.
- College must advise students that are unsuccessful with the college 's internal complaints or appeals handling and process, within 10 working days of the decision being made, of the student's right to access an external complaints and appeals process at minimal or no cost to resolve the dispute. The college must advise the student the contact details of the appropriate complaints and external appeals body.

- If the internal or external complaint handling or appeal process results in a decision that supports the student, Stellar College must immediately implement any decision and/or corrective and preventative action and advise the student of the outcome.
- If the student is not satisfied with the result or conduct of the college's internal complaints handling and appeals process, Stellar College will assist the student to access independent mediation at minimal or no cost to resolve the dispute.
- Nothing in the college's Complaints/Disputes Resolution policy negates the rights of any overseas student to pursue other legal remedies.
- Students can contact the Overseas Student Ombudsman directly.
- The college is not required to continue to offer learning opportunities throughout the complaints or appeals process. The college can decide whether it will continue to offer learning opportunities throughout any appeals process. The college may decide to exclude a student from attending classes but continue to provide work to complete outside of the classroom environment. The college acknowledges that to deny students learning opportunities throughout the appeals process may disadvantage the student should the appeals process find in their favour.
- Any substantiated complaint will be acted upon. All complaints and appeals will be recorded in detail including the outcome of each stage.
- A complaint can be forwarded directly to the Student Support Officer/Compliance Manager.
- Stellar College will not report a student for unsatisfactory progress or attendance until the student has been allowed to access our internal and an external complaints and appeals process.
- Stellar College will await the outcome of this process (and if, in favour of the provider) before reporting the student through PRISMS.
- For appeals on the college's decision to defer, suspend or cancel a student's enrolment, the college only needs to wait until the internal complaints/appeals process is completed (if in favour of the college) to notify DET/DHA via PRISMS.

ACADEMIC COMPLAINTS / APPEALS

- Complaints/appeals against **academic decisions will be accepted up to fourteen (14) days from the date an assessment result was received.**
- Assessment will be reviewed having due regard to submissions made by the participant.
- An independent facilitator/trainer will be assigned to assess the complaint.

Suspension/Cancellation of Enrolment

- Where the appeal relates to the college's decision to defer/suspend or cancel a student's enrolment for misbehaviour /breach of college rules, the college will only await the outcome of the **internal appeals** process if it supports the college before notifying DET and DHA through PRISMS of the change to the student's enrolment.
- If the outcome of the internal or external appeals process results in a decision favouring the student the college will immediately implement any corrective action, decision or measures required and advise the student of the outcome.

- Notification on PRISMS must not occur until the result of the internal **appeals process is known, unless extenuating circumstances relating to the welfare of the student, Staff or other students** apply, such as:
 - The student is at risk of committing a criminal offence or is the subject of investigation relating to criminal matters
 - The student's actual or threatened behaviour poses a threat to other students. The student has medical or psychological problems that may affect their well-being
 - The student cannot be located

EXTERNAL COMPLAINTS AND APPEALS

The college will await the outcome of an external appeals process before reporting/taking action against the student for course progress or attendance.

Where the appeal relates to the college's decision to defer/suspend or cancel a student's enrolment for misbehaviour /breach of college rules, the college will only await the outcome of the **internal appeals** process if it supports the college before notifying DET and DHA through PRISMS of the change to the student's enrolment.

Independent mediation is available through the Queensland Government.

<http://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/setting-disputes-out-of-court/mediation/> PHONE 13 74 68

Brisbane QGSC

Address: 33 Charlotte Street. BRISBANE QLD 4000

For details of centres located around Queensland -

<http://www.qld.gov.au/about/contact-government/contacts/government-service-offices/?&start=11>.

If mediation is sought, the mediator is required to report the outcome of the mediation, including any recommendations arising, within 14 days of the completion of the review. Once the college receives the report of the outcomes from independent mediation, they will provide a written report to the complainant within 10 working days on the recommended actions to resolve the grievance.

When an external appeals process has been completed, the college must immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process and notify the overseas student of the outcome.

OVERSEAS STUDENTS OMBUDSMAN

HEAD OFFICE ADDRESS/ BRISBANE CAMPUS: L2/148 Brunswick St, Fortitude Valley QLD 4006
SYDNEY CAMPUS: L3, 16-22 Wentworth Ave, SURRY HILLS NSW 2010 Australia

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RTO PROVIDER CODE: 45551

CRICOS PROVIDER CODE: 03808B

ABN: 47 625 911 293

The Ombudsman provides an external complaint and appeals process for overseas students of private education providers.

If you wish to lodge an external appeal or complain about a decision made by the college, you can contact the Overseas Students Ombudsman. 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 private education or training provider. See the Overseas Students Ombudsman website <http://www.oso.gov.au> or phone **1300 362 072** for more information. Email: ombudsman@ombudsman.gov.au

The Overseas Ombudsman's role is to investigate if the provider has followed their policy/procedure accurately and if it is found the Provider has followed and implemented everything correctly no further action would be taken.

COMMONWEALTH RTO AND CRICOS REGULATOR

If the student is concerned about the actions of the provider they may approach the Australian Skills Quality Authority (ASQA), the Registration Authority for CRICOS RTOs. The Australian Skills Quality Authority (ASQA) has the power to suspend or cancel the provider's registration or a course **if a breach of the requirements of their registration provisions is proved.**

To lodge a complaint with ASQA visit <http://www.asqa.gov.au/complaints/make-a-complaint---overseas-students/make-a-complaint---overseas-students-1.html>

ASQA is the Regulator, therefore **they will only act on breaches of legislation** by the provider.

COMMONWEALTH ESOS REGULATOR

Department of Education and Training (DET) through the ESOS helpline PHONE: 1300 615 262 <https://internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/Pages/ESOSEnquiry.aspx>

The student may send through a complaint at any point, including after he or she has exhausted the provider's internal appeals process and the external appeals process.

DET will only intervene where Stellar College's appeals process was not conducted correctly or if the college appeals process did not meet the requirements of the ESOS Framework/The National Code. The DET's role is not to judge whether the outcome was right or wrong.

COMPLAINTS PROCEDURE

The college **MUST** conduct the assessment of any complaint or appeal in a professional, fair and transparent manner.

All students will be given the opportunity to present their case. The student should undertake the following steps:

1. In the first instance, an informal approach is encouraged to be made to the person with whom the student has the complaint, in order to see if the matter can be resolved in a mutually satisfactory way.
2. If not satisfied OR unable to undertake Step 1, the student is then to lodge the complaint in writing for investigation.
3. Students lodging a complaint will be provided with a copy of the *Complaints and Appeals policy* outlining all of their rights and responsibilities with a 'Complaints / Appeals form'.
4. All complaints must be recorded.
5. A member of staff/facilitator who has not been involved in the complaint, will review the complaint and endeavour to have the matter resolved.
6. An investigation **must be** commenced within 10 working days of written/formal lodgement.
7. The student (and support person if required to accompany or assist the student) will be invited to attend any relevant meetings to discuss / formally present the complaint/appeal at no cost to them.
8. The investigating officer must provide a written outcome of the complaint/investigation to the complainant including detailed reasons for the outcome to the Chief Executive Officer within 21 days of written receipt wherever possible or as soon as practicable.
9. Stellar College must advise students that are unsuccessful with the college's internal complaints or appeals handling and process, within 10 working days of the decision being made, of the student's right to access an external complaints and appeals process at minimal or no cost to resolve the dispute. The college must advise the student the contact details of the appropriate complaints and external appeals body.
10. The written outcome is to include that if the student is not satisfied with the outcome, of their rights to access independent mediation at minimal or no cost to resolve the dispute.
11. Students who are not satisfied with the process/decision may contact the Overseas Students Ombudsman or other Regulator as outlined in our policy for assistance.
12. Stellar College will only maintain the student's enrolment while a complaints/appeals process is ongoing as outlined in the policy.
13. Stellar College will not report a student for unsatisfactory progress or attendance until the student has been allowed to access an external complaints and appeals process.
14. Full details of all complaints/appeals, including a statement of the outcome/s and any corrective/preventative action are to be kept on the student file.
15. A signed copy (signed by student and investigating officer) of the conclusions/outcome of the complaint/appeal provided to the student is also to be kept on the student file.
16. If the internal or external complaint or appeal process results in a decision that supports the student, the college will immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

Written records of all complaints and appeals will be kept in detail at each stage (including corrective and preventative action, reasons and outcomes) on student files and provided to the student.

When an external appeals process has been completed, the college must immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process and notify the overseas student of the outcome.

Refer: [Standard 10: Complaints and appeals](#)