

## COMPLAINTS AND APPEAL PROCEDURE

### Policy

IH Sydney Training Services (referred to as IH Sydney) endeavours to satisfy all of its students at all stages of their enrolment and tuition.

Grievance processing encourages and maintains respect and fair treatment. Part of this respectful approach is maintaining a student's enrolment throughout the procedure in the case where a student chooses to access this process. However, where IH Sydney deems it necessary to protect the health and well-being of any student or staff member, it reserves the right to restrict access to its premises from any individual(s) during the process of reviewing a complaint or appeal.

IH Sydney will ensure that appropriate corrective and preventative actions are implemented immediately where a decision from internal or any external process supports the student. In all cases, advice of the outcome is provided to the student in writing.

### Practice

We shall readily and openly receive, manage and respond to allegations involving the conduct of:

1. Our business, trainers and assessors and other staff.
2. Any third-party providing services on behalf of College and including education agents.
3. Any student or client of our business.

We shall resolve all complaints and appeals in a fair, effective, transparent and efficient manner to ensure a minimum of disruption to our business without detriment to the Student or complainant.

We shall not exclude any person from training for which they have paid while we investigate and respond to a complaint or appeal lodged by them or on their behalf.

We shall not subject a complainant or appellant to any harassment, coercion, or other derogatory action while we investigate and respond to a complaint or appeal lodged by them or on their behalf.

We shall not charge a fee for the investigation and response to any complaint or appeal.

### Definitions

#### Informal complaint

A matter which has a minor impact on the services provided by our business, for which the complainant does not feel will require significant action to resolve i.e. the air conditioning is too cold or not working.

#### Formal complaint

A matter which has a medium to significant impact on the services provided by our business, for which the complainant feels will require significant action to resolve and will severely impact on their training and its outcomes

## Appeal

An appeal is a request for the review of a decision regarding:

1. Assessment decisions made by our trainers; or
2. Suspension or exclusion from our training.

**Note:** Complaints may be reviewed but the results can't be appealed.

## General principles

General principles applying to all stages of this complaints and appeal process which will be adhered to are:

1. The Appellant and Respondent will have an opportunity to present their case at each stage of the process;
2. The Appellant and Respondent have the option of being accompanied or assisted by a third party (such as a family member, friend or counsellor) if they so desire;
3. The Appellant and the Respondent will not be discriminated against or victimised;
4. At all stages of the process, discussions relating to conduct of the assessment and methods used to assess the student will be recorded in writing. Reasons and a full explanation in writing for the decisions and actions taken as part of this process will be provided to the Appellant and/or Respondent if requested;
5. Records of all appeals will be kept for a period of 5 years. These records will be kept strictly confidential and stored off site in secure storage; and
6. The Appellant shall have access to this process at no cost during the time of the appeal process, but a minimal fee will be applied for access to records in storage after the process has completed.

## Who can make a complaint or lodge an appeal

Complaints may be made by:

- A student of IH Sydney;
- A representative of a student of IH Sydney.

Appeals may only be made by students of IH Sydney.

## Level of authority for managing complaints and appeals

### Informal complaints and appeals

Due to the nature and possible outcomes of informal complaints and appeals, the authority to deal with informal complaints and appeals is any person be it a trainer or other staff member.

It is generally expected and accepted that informal complaints and their outcomes will not be recorded.

### Formal complaints and appeals

Due to the nature and possible outcomes on our business the authority to deal with formal complaints and appeals lies with the Program Manager.

## **Procedure**

### **Informal procedure**

The trainer, assessor or other staff member receiving an informal complaint will make all efforts to address the concerns of the student or complainant through an informal exchange of information, with a view to clarifying and understanding the nature of the complaint and attempting to resolve the issues presented.

Once the nature of the complaint is found the trainer, assessor or other staff member is required to work with the student or complainant to close the complaint with an agreed outcome.

If the outcome will incur a cost to our business, the Director of Business is to be notified for the expenditure to be approved and actioned.

### **Formal complaint procedure**

#### **Principles of resolution**

IH Sydney is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, we ensure that complaints and appeals:

1. Are responded to in a professional, consistent and transparent manner.
2. Are responded to promptly, fairly, objectively, with sensitivity and confidentiality.
3. Can be made at no cost to the individual.
4. Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
5. College will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
6. There are no charges for students to submit a complaint or appeal to IH Sydney, or to seek information or advice about doing so.

**NOTE:** Nothing in this policy and procedure limits the rights of an individual to act under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

#### **Making a complaint or appeal**

Complaints about a particular incident should be made as soon as possible after the incident occurring and no more than 10 working days after the incident.

Appeals of an assessment decision must be made within 5 working days of the assessment decision.

Appeals of a decision to report course progress must be made within 20 working days of the original decision to report being made.

When making a complaint or appeal, provide as much information as possible to enable the College to investigate and determine an appropriate solution. This should include:

1. The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you;
2. Any evidence you have to support your complaint or appeal;
3. Details about the steps you have already taken to resolve the issue; and
4. Suggestions about how the matter might be resolved.

The student or complainant will:

1. Be required to submit their formal complaint or appeal in writing;
2. Have an opportunity to present their case at each stage of the procedure; and
3. Have the option of being accompanied or assisted by a third party (such as a family member, friend or counsellor) if they so desire
4. Submit using the approved form in Canvas; or
5. Download the form in Canvas and submit to [enquires@ihbc.edu.au](mailto:enquires@ihbc.edu.au)

To submit an appeal student's can either:

- Bring the completed form to their scheduled ITR Meeting; or
- Submit to the Program manager via email.

The Program Manager will acknowledge receipt of the complaint and advise investigation has begun within 10 working days.

At all stages of the process, discussions relating to complainants and appeals will be recorded in writing.

Reasons and a full explanation in writing for the decisions and actions taken as part of this procedure will be provided to the Complainant and/or Respondent.

## **Complaint Management**

### **Stage one**

Person involved in the investigation:

1. Program Manager,
2. Complainant, and
3. Person subject to the complaint (if applicable).

The Program Manager, will then assess the complaint, investigate, determine the outcome and advise the student or complainant in writing of their decision within 30 working days of the complaint being lodged, including their right to access Stage Two of this procedure if they are not satisfied with the outcome of Stage One.

### **Stage two**

If the Complainant is not satisfied with the Stage One outcomes, they may lodge an application for review in writing to the Quality Assurance Manager.

The complaint or appeal will then be determined by the Quality Assurance Manager, considering:

1. The nature of the complaint or appeal,
2. The evidence provided,
3. The outcomes determined,
4. The Standards for Registered Training Organisations 2015,
5. The ESOS Act, 2018; and
6. National Code of Practice for Providers of Education and Training to Overseas Students 2018.

The Quality Assurance Manager will conduct all necessary consultations with the complainant, respondent and any other relevant persons and make a determination.

The complainant will be advised in writing of the outcome of their review, including the reasons for the decision, within 15 working days and advised of their right to access Stage Three of this procedure if they are not satisfied with the outcome of Stage Two.

### **Stage three**

If the student or complainant is not satisfied with the outcome of Stage two they must advise in writing that they are not satisfied with outcome of Stage Two and that they are escalating the matter to, independent mediation through a mediation service.

This may include:

#### **Domestic Students**

National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.

Email: [ntch@education.gov.au](mailto:ntch@education.gov.au)

#### **International Students**

The Overseas Student Ombudsman (OSO)

International students may complain to the OSO if their complaint is in relation to the College:

1. refusing admission to a course
2. course fees and refunds
3. course or provider transfers
4. cancellation of enrolment
5. accommodation or work arranged by your provider
6. incorrect advice given by an education agent.
7. if you believe we have failed to take action or are taking too long to take some action. This might include (for example), failing to provide your results in the normal timeframe, or failing to provide services included your written agreement with College.

The OSO may not be able to investigate your complaint if you have not already exhausted our formal internal complaints process as above.

Please refer to the following website if you are considering making a complaint:

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students#quality-of-education-provider>

**Note:** The timeline for finalisation of complaints may be extended beyond 21 days but must not extend beyond 60 days from lodgement.

### **Appeals Management**

#### **Stage one**

Person involved in the investigation:

1. Program Manager,

2. Student, and
3. Trainer (if applicable).

The Program Manager, will then assess the appeal, investigate, determine the outcome and advise the student in writing of their decision within 20 working days of the appeal being lodged, including their right to access Stage two of this procedure if they are not satisfied with the outcome of Stage One.

### **Stage two**

If the student or complainant is not satisfied with the outcome of Stage one, they must advise in writing that they are seeking external mediation within 5 working days of the outcome of your appeal by lodging a complaint with the Overseas Student Ombudsman.

Please refer to the following website if you are considering making a complaint:

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students#quality-of-education-provider>

### **Continuing students**

Whereby a student makes a complaint or appeal, or another person makes a complaint on behalf of a student, such student shall not be excluded from any training or training related activities during the investigation and subsequent reviews.

This does not apply to any complaint or appeal which is determined to be a non-complying complaint.

### **Non - complying complaints and appeals**

Any complaint or appeal which contains threats of violence, clearly identifies a breach of Australian Laws or actions against the rules of IH Sydney shall be deemed non - complying and will not be considered under the terms of this procedure.

Further any threats or breach of Australian Law shall be reported to the most appropriate law enforcement agency.

### **Records of formal complaints and appeals**

Records of all complaints and appeals will be kept for a period of 5 years. These records will be kept strictly confidential and stored in secure storage.

All documentation relating to the complaint or appeal including notes of the investigation are to be stored in Sharepoint for review by the Executive team and a copy of the final determination and original written complaint or appeal is to be placed in the students file.