



## Policy - Complaints and appeals

### Purpose

The National Code 2007 requires registered providers to

- Have appeals processes that are independent, easily and immediately accessible and inexpensive for the parties involved.
- Have appropriate internal complaints handling and appeals processes
- Have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals, or refer students to an existing body where the body is appropriate for the complaint or appeal
- Advise the student of his or her right to access the external appeals process at minimal or no cost if the student is not satisfied with the result or conduct of the internal complaint handling
- Maintain enrolment while the complaints and appeals process is ongoing.
- Implement any decision and/or corrective and preventative action required and advise the student of the outcome when the internal or any external decision results in support of the student complaint or appeal.

This policy and associated procedure outlines how Lawson College Australia ensures that the Complaints and Appeals policy and associated procedure meets the above requirements. The availability of complaints and appeals process does not remove the right of the student to take action under Australia's consumer protection laws.

### Scope

This Policy applies to:

- All overseas students currently enrolled with Lawson College; and
- Staff of Lawson College Australia and other stakeholders involved in the Complaints and Appeals process.

### Definitions

<b>Academic</b>	This procedure relates to: assessment and results; complainant progress; curriculum content and delivery and conferral of awards
<b>Complainant</b>	A person lodging a complaint or appeal
<b>Complaints and appeals Committee</b>	This committee is a subset of the Lawson College Governance and Risk Management Committee and is formed to hear Stage 2 appeals and complaints. There are three (3) nominated members [one of which is the CEO or delegate]
<b>Complaints and appeals process</b>	The <i>formal complaint or appeals process</i> outlined in Standard 8 is the process which takes place if a grievance cannot be resolved informally (for example, through affected parties discussing the matter). In some institutions, the words 'complaints' and 'appeals' have different meanings and result in different processes. The National Code 2007 allows the provider to differentiate between these terms and resulting processes, as long as the minimum requirements of Standard 8 are met and the differences are clearly explained in the provider's policies and procedures.
<b>COPE</b>	Centre for Compliance Operations Partnerships and Professional Experience
<b>General [non-academic]</b>	This procedure relates to: customer services and administration, marketing and information, facilities, fees and finance related matters and welfare.
<b>HOD</b>	Head of Department
<b>PRISMS</b>	<b>Provider Registration and International Student Management System [PRISMS]</b> . Through PRISMS, certain Australian Government agencies can monitor student compliance with visa conditions and provider



	<p>compliance with the <i>Education Services for Overseas Students Act 2000</i> (ESOS Act).          PRISMS is a secure system for providers to:  <b>-issue 'Confirmations of Enrolment' to overseas students intending to study in Australia (the Department of Immigration and Border Protection requires these to issue a student visa), and report changes in overseas students course enrolment.</b></p>
<b>Respondent</b>	A person responding to a complaint or appeal

## Policy

### 1. Complaints and appeals systems

- 1.1 Despite all efforts of Lawson College to provide satisfactory services to its students, clients, employers and other persons, complaints may occasionally arise requiring formal resolution.
- 1.2 Individuals are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned to deal with the issue before it becomes a formal complaint [informal process – pre stage 1 formal process]. Lawson College's Administration Officers and trainers/assessors are available to assist students to resolve their issues at this level and/or to assist the student with lodging the relevant documentation for the submission of formal complaint.
- 1.3 Complaints and appeals may be made be in relation to any of Lawson College's services, activities and decisions such as:
- ◆ the selection process
  - ◆ the enrolment, induction and/or orientation process
  - ◆ the quality of training and assessment provided
  - ◆ training and assessment matters, including student progress, assessment, curriculum and awards in a course of study
  - ◆ access to records
  - ◆ decisions made by Lawson College; and
  - ◆ the way someone has been treated.
- 1.4 Lawson College is committed to developing and maintaining an effective, timely, fair and equitable complaints and appeals system which is easily accessible and offered to complainants at no charge. Lawson College aims to:
- ◆ Develop a culture that views complaints and appeals as an opportunity to improve the organisation and how it works
  - ◆ Set in place a complaints and appeals handling system that is client focused and helps Lawson College prevent these events from recurring
  - ◆ Ensure that any complaints and appeals are resolved promptly, objectively and with sensitivity and in complete confidentiality
  - ◆ Ensure that, in the case of international students, complaints are resolved promptly as not to impact on an international student's study time in Australia as determined by their visa
  - ◆ Ensure that the views of each complainant and respondent are respected and that any party to a complaint or appeal is not discriminated against nor victimized; and



- ◆ Ensure that there is a consistent response to complaints and appeals.
- 1.5 All formal complaints and appeals process will commence within 10 working days and responded to efficiently to ensure an effective resolution within a reasonable timeframe, usually twenty (20) working days or as soon as practicable. However in some cases, particularly if the matter is complex, the resolution may take longer.
- 1.6 All formal complaints and appeals and their outcomes will be recorded on the Complaints and Appeals Registers with a detailed record of the complaint and outcomes. This will be kept permanently to allow all parties to the complaint or appeal appropriate access to the records if required. Records of complaints and/or appeals made by a student will be saved in the student's file.
- 1.7 Complaints and appeals will be reviewed by management to identify root causes of the complaint or appeal and to identify any areas requiring improvement [corrective and preventative action] to prevent similar recurrences in the future.
- 1.8 There is no cost to access the internal complaints and appeals process with Lawson College**
- 1.9 Each party may be accompanied and assisted by a support person at any relevant meetings
- 1.10 All records relating to complaints and appeals will be treated as confidential and will be covered by Lawson College's Information Privacy Policy.
- 1.11 This policy and related procedure do not replace or modify those or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and related procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. This policy does not circumscribe an individual's rights to pursue other legal remedies.

## 2. Making a complaint

- 2.1 Stage 1 [Initial complaint and appeal after exhausting the informal process]. The complaint and appeal is written on the formal Complaint and Application form and submitted to the Director, COPE. When making a complaint the complainant should provide as much detail as possible to enable Lawson College to investigate appropriately and determine a solution. This should include:
  - ◆ The issue that is the cause for the complaint
  - ◆ Any evidence that supports the complaint
  - ◆ Details about the steps that have already been taken to resolve the issue
  - ◆ Any suggestions for how the issue might be resolved.
- 2.2 The receipt of the complaint will be acknowledged in writing within 5 working days of receiving the complaint.
- 2.3 Upon receiving the complaint, the Case Manager allocated by COPE will conduct an investigation into the matter and ensure that Lawson College has accurate, complete and relevant information. This may include gaining extra details from the complainant and any other involved parties about the issue which may be done in writing, over the phone or face-to-face.
- 2.4 The Case Manager, COPE and Dean/Head of Department will decide on an appropriate resolution and advise the complainant in writing how the matter will be resolved along with reasons for the decision within 20 working days of the complaint being made.
- 2.5 Stage 2: Student provides a written statement appealing the decisions of preceding decision within 5 days of receipt of the letter of outcome of the decision of Stage 1 appeal process. Review of the outcome of the preceding complaint and appeal is undertaken by the Complaints and Appeals Committee made up of nominated persons, one of which must be the CEO.



- 2.6 Stage 3: Student advises Lawson College that they remain dissatisfied with preceding outcome decision of stage 2 and wishes to access an external body which is appropriate for the complaint or appeal, **at their own cost**. In this instance Lawson College will advise the student to access an external body as outlined below [see point 5.2 below].

### 3. Internal non-academic appeals

- 3.1 Appeals against a decision made by Lawson College during the complaints process may be made in writing to the CEO using the Complaints and Appeals form. When making an appeal the appellant should provide as much detail as possible to enable Lawson College to investigate appropriately and determine a solution. This should include:
- ◆ The issue that is the cause for appeal
  - ◆ Any evidence that supports the appeal
  - ◆ Details about the steps that have already been taken to resolve the issue
  - ◆ Any suggestions for how the issue might be resolved.
- 3.2 The receipt of the appeal will be acknowledged in writing within 5 working days of receiving the appeal.
- 3.3 Upon receiving the appeal, the Case Manager and Compliance Officer, COPE will conduct an investigation into the matter and ensure that Lawson College has accurate, complete and relevant information. This may include gaining extra details from the appellant, the person who made the original decision and any other involved parties about the issue. These consultations will preferably be conducted face-to-face. The student may represent themselves and may also have a nominated person accompany them.
- 3.4 The CEO will decide on an appropriate resolution and advise the appellant in writing of the how the matter will be resolved along with reasons for the decision within 20 working days of the appeal being made. If the matter is particularly complex, the matter may take longer to resolve. If the appellant remains dis-satisfied they may lodge an external complaint or appeal [see point 5 below]
- 3.5 In the case of international students, where the internal appeals process recommends a deferral, suspension or cancellation of a student's enrolment, the Registrar will notify DEEWR via PRISMS of the change to the student's enrolment and the student has 28 days in which to:
- ◆ Leave Australia
  - ◆ Show the Department of Immigration and Border Protection (DIBP) a new Confirmation of Enrolment (CoE) with another provider; or
  - ◆ Provide DIBP with evidence that he or she has accessed an external appeals process.

### 4. Making an appeal of an assessment decision

- 4.1 An appeal of an assessment decision may be made in writing to the Manager, COPE using the Complaints and Appeals Form with an attachment of *Assessment Task or Final Result Form* or other written format within 20 working days of the assessment decision being made. The request must include reasons why the assessment appeal is being made.
- 4.2 Upon receipt of the appeal, an internal review of the assessment will occur and the Manager, COPE may request further information from the appellant.
- 4.3 The assessment will then be reviewed which may involve:
- ◆ the original assessor reviewing the assessment decision and involving another assessor in the decision; or



- ♦ the examination by the Lawson Appeals and Complaints Committee whose membership comprises: CEO, Director of COPE, and Executive Dean or nominated person/s. Others may be co-opted depending on the appeal; or
- ♦ the appointment of an independent, qualified assessor to review the assessment.

4.4 All reasonable measures will be taken to ensure that an assessment appeal is resolved within 20 working days. The Manager, COPE will ensure that the appellant is advised in writing of the outcome along with reasons for the decision within this timeframe.

## 5. External appeals

5.1 Where the complainant remains dissatisfied with the outcome of the complaints and appeals process offered by Lawson College to date the complainant can access an external source [external reviewer] complaints or appeals process at their own cost. Complainants must ensure they have accessed the internal processes first.

5.2 Complainants have a number of external sources ('external reviewer') where they can raise a complaint or appeal including:

- ♦ Consumer Affairs, Victoria <http://www.consumer.vic.gov.au>
- ♦ Overseas Students Ombudsman <http://www.oso.gov.au/contact-us/>
- ♦ ACPET organises independent mediators from a panel of mediators.
- ♦ Administrative Appeals Tribunal (<http://www.aat.gov.au>)
- ♦ The RTO's registering body, the Australian Skills Quality Authority (ASQA) (<http://www.asqa.gov.au/complaints/making-a-complaint.html>)

Note: ASQA can only deal with complaints about:

- ♦ the information provided by an RTO about its course/s
- ♦ the delivery and assessment of training received
- ♦ the qualifications issued or to be issued.

5.3 **International students** may lodge an external appeal to the Overseas Students Ombudsman who offer a free and independent service to overseas students who have a complaint or want to lodge an external appeal about a decision made by Lawson College. Students are able to view the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or call on 1300 363 072 for further information.

Lawson College will be bound by the external reviewer's recommendations and Director; COPE will ensure that any recommendations are implemented within 28 working days of receipt of the decision made by the external reviewer.

5.4 If the internal or any external complaint handling or appeal process results in a decision that supports the student, Lawson College will immediately implement any decision and/or corrective and preventative actions required and advise the student of the outcome.

## 6. Enrolment status

6.1 For **international students**, Lawson College will maintain a student's enrolment throughout the internal appeals processes. In the case of an external appeals process it will depend on the type of appeal as to whether Lawson College maintains the student's enrolment as follows:



- ◆ If the appeal is against Lawson College's decision to report the student for unsatisfactory course progress or attendance, the student's enrolment will be maintained until the external process is completed and has supported or not supported Lawson's College's decision to report.
  - ◆ If the appeal is against Lawson College's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, Lawson College will notify DEEWR through PRISMS of a change to the student's enrolment after the outcome of the internal appeals process, not the external appeals process as outlined at 5.3.
- 6.2 For **international students**, maintaining the student's enrolment means not notifying DEEWR of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).
- 6.3 Except in cases of suspected serious misconduct, students must continue to attend classes and comply with all visa requirements. There may be some cases where it is considered more appropriate for the student to complete work outside of the classroom environment and this will be discussed with the student when the complaint or appeal is lodged.



## Document Summary

Quality Assurance Area			
Policy & Procedure Name	CODE		
Compliance reference: <a href="https://aei.gov.au/regulatory-information/education-services-for-overseas-students-esos-legislative-framework/national-code/nationalcodepartd/pages/esosnationalcode-partd.aspx">https://aei.gov.au/regulatory-information/education-services-for-overseas-students-esos-legislative-framework/national-code/nationalcodepartd/pages/esosnationalcode-partd.aspx</a>			
<b>Related Polices &amp; Procedures</b>			
National Code: Standard 10: Monitoring course progress Standard 11: Monitoring attendance Standard 13 Deferring suspending or cancellation of study during enrolment	ESOS Act Section: N/A	Other: N/A	
<b>Related Guidelines, forms and associated documents</b>	<ul style="list-style-type: none"> <li>■ Flowchart – Complaints and appeals</li> <li>■ Form – Complaints and appeals application</li> <li>■ Letter – Stage 1 Letter of receipt of complaint and appeal application</li> <li>■ Letter – Stage 2 Letter of receipt of written statement to appeal outcome</li> <li>■ Letter – Stage 1 Letter of decision of complaint and appeal</li> <li>■ Letter – Stage 2 Letter of decision of appeal against outcome of stag</li> <li>■ Register – Complaints and appeals</li> </ul>		
<b>Governance</b>	Governance and Risk Management Committee	<b>Version – V2.0</b>	
<b>Responsibility</b>	CEO & Governance and Risk Management Committee	<b>Version History</b>	
<b>Written By</b>	Governance and Risk Management Committee	Date Written: March 2013 Date Reviewed: September 2013	
<b>Approved By</b>	Board	Date Changed of Version: September 2013	
<b>Approval Date</b>	18 September 2013	Last Update Version: September 2014.	
<b>Review Date</b>	18 September 2015		