



## Policy - Complaints and appeals

### Purpose

This policy outlines Lawson College Australia complaints and appeals process to ensure that professional, timely, inexpensive and documented complaints handling and appeals processes ensure that any grievances between overseas students and Lawson College Australia can be heard and addressed.

ASQA requires complaints and appeals to be recorded, acknowledged and dealt with fairly, efficiently and effectively. ASQA requires an RTO to have a complaints and appeals policy to manage and respond to allegations involving the conduct of:

- a. the RTO, its trainers, assessors or other staff
- b. a third party providing services on the RTO's behalf, its trainers, assessors or other staff or
- c. a learner of the RTO.

ASQA requires an RTO to

- a. manage requests for a review of decisions, including assessment decisions
- b. implement principles of natural justice and procedural fairness
- c. make public the policy and procedure for making a complaint or requesting an appeal and the management of same
- d. ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
- e. provide for review by an independent party if the process fails to resolve the complaint or appeal.
- f. Ensure that the complainant or appellant is advised in writing if it is considered that 60 calendar days will be exceeded to finalise the complaint or appeal, and provide reasons for the delay, and regular updates on progress; and
- g. Maintain records in a secure environment and identified potential causes of complaints and appeals and their outcomes and takes action to mitigate the likelihood of reoccurrence.

### ESOS

The ESOS National Code 2018 requires registered providers to

- a. Have and implement a documented internal complaints handling and appeals policy and process
- b. Advise an overseas student within 10 working days of their right to access an external appeals process and provide contact details, if the overseas student is not satisfied with the outcome of the internal complaints and appeals process; and
- c. Immediately implement any decision or recommendation in favour of the overseas student through the internal or external appeals process.

The availability of complaints and appeals process does not remove the right of the student to take action under Australia's consumer protection laws

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## Scope

This Policy applies to:

- All Learners currently enrolled with Lawson College;
- Any third party providing services on Lawson College behalf - specifically work placements as Lawson College does not have any third party arrangements to deliver programs on scope.
- Trainers, assessors or other 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 2018 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>DIBP</b>	Department of Immigration and Border Protection
<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 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 [DIBP] requires these to issue a student visa), and report changes in overseas students course enrolment.</b>
<b>Principles of natural justice</b>	The principle of natural justice, which is fundamental to good governance, should underpin every decision made by Lawson College Australia. Natural justice is a doctrine which seeks to protect those affected against arbitrary exercise of power by ensuring fair play. It's particularly relevant to decisions which clearly affect individuals' rights, for example in complaints and appeals. There are two fundamental rules for natural justice: <ul style="list-style-type: none"> <li>• all sides of an argument should be given a fair opportunity to be heard before a decision is made</li> <li>• the decision maker must not have predetermined the matter or be perceived as having predetermined the matter</li> </ul> - See more at: <a href="http://www.goodgovernance.org.au/decision-making/guiding-principles/natural-justice/#sthash.w8WytLCp.dpuf">http://www.goodgovernance.org.au/decision-making/guiding-principles/natural-justice/#sthash.w8WytLCp.dpuf</a>
<b>Procedural fairness</b>	Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. The Ombudsman considers it highly likely that a decision-maker who follows a fair procedure will reach a fair and correct decision. The rules of procedural fairness require: □ a hearing appropriate to the circumstances; □ lack of bias; □ evidence to support a decision; and □ inquiry into matters in dispute. <a href="http://www.ombudsman.wa.gov.au/.../Procedural-fairness-guidelines.pdf">www.ombudsman.wa.gov.au/.../Procedural-fairness-guidelines.pdf</a>

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<b>Respondent</b>	A person responding to a complaint or appeal
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## Policy

### 1. Complaints and appeals systems

- 1.1 Despite all efforts of Lawson College Australia 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, located on Lawson College intranet.
- 1.3 Lawson College Australia will make clear to overseas students that in most cases, the purpose of the external appeals process is to consider whether Lawson College Australia has followed its policies and procedures, rather than make a decision in place of the institution.
- 1.4 Complaints and appeals may be made be in relation to any of Lawson College’s services, activities and decisions such as:
  - a. the selection process
  - b. the enrolment, induction and/or orientation process
  - c. the quality of training and assessment provided
  - d. attendance, assessment, course progress and extending course duration
  - e. access to records
  - f. decisions made by Lawson College; and
  - g. the way someone has been treated.
- 1.5 Lawson College is committed to implementing the principles of natural justice and procedural fairness at every stage of the complaint and appeal process. Lawson collect 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:
  - a. Develop a culture that views complaints and appeals as an opportunity to improve the organisation and how it works
  - b. Set in place a complaints and appeals handling system that is client focused and helps Lawson College prevent these events from recurring
  - c. Ensure that any complaints and appeals are resolved promptly, objectively and with sensitivity and in complete confidentiality
  - d. 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
  - e. 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
  - f. Ensure that there is a consistent response to complaints and appeals.

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- 1.6 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.
- 1.7 If Lawson College considers that more than 60 days are required to process and finalise the complaint or appeal, the complainant or appellant will be informed in writing, including reasons why more than 60 calendar days are required, and will regularly update the complainant or appellant on the progress of the matter.
- 1.8 All formal complaints and appeals and their outcomes will be recorded on the Complaints and Appeals Register 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.
- 1.9 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.
- 1.10 There is no cost to access the internal complaints and appeals process with Lawson College**
- 1.11 Each party may be accompanied and assisted by a support person at any relevant meetings
- 1.12 All records relating to complaints and appeals will be treated as confidential and will be covered by Lawson College's Information Privacy Policy.
- 1.13 If the internal appeals process upholds Lawson College Australia decision and the overseas student goes on to access an external appeals process, Lawson College Australia will not create ongoing Confirmation of Enrolments (CoEs) if the overseas student's enrolment was due to lapse naturally. However, Lawson College Australia will not report the overseas student through PRISMS for unsatisfactory course progress or attendance until the overseas student has accessed the internal and external complaints handling and appeals process, and the decision or recommendation supports Lawson College Australia [See standard 8]
- 1.14 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. 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.

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- 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 Director 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 and Director/Delegate 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 within 10 working days of the completion of the internal review.

### 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:
  - a. The issue that is the cause for appeal
  - b. Any evidence that supports the appeal
  - c. Details about the steps that have already been taken to resolve the issue
  - d. 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 Director/Delegate 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 DET via PRISMS of the change to the student's enrolment and the student has 28 days in which to:

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- a. Leave Australia
- b. Show the Department of Home Affairs (DoHA) a new Confirmation of Enrolment (CoE) with another provider; or
- c. Provide DoHA 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 Director 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 [basis] why the assessment appeal is being made:
- a. Assessment method differs from the description in the unit outline/assessment tasks descriptor
  - b. Assessment criteria used to evaluate the work differs from the agreed assessment criteria
  - c. Unfair or biased application of the assessment criteria
  - d. Final result is not equal to the aggregate of the individual assessment components
  - e. Inappropriate penalties have been applied
- 4.2 Upon receipt of the appeal, which is logged, an internal review of the assessment will occur and the Director may request further information from the appellant.
- 4.3 The assessment will then be reviewed which may involve:
- a. the original assessor reviewing the assessment decision and involving another assessor in the decision; or
  - b. the examination by the Lawson Appeals and Complaints Committee whose membership comprises: CEO, Director, and Executive Dean or nominated person/s. Others may be co-opted depending on the appeal; or
  - c. 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 Director will ensure that the appellant is advised in writing of the outcome along with reasons for the decision within this timeframe.

#### 5. External complaints and appeals processes

- 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:
- a. Consumer Affairs, Victoria. <https://www.consumer.vic.gov.au/internationalstudents>
  - b. ACPET [Australian Council of Private Education and Training] organises independent mediators from a panel of mediators. [www.acpet.edu.au](http://www.acpet.edu.au)
  - c. Administrative Appeals Tribunal [www.aat.gov.au/contact-us](http://www.aat.gov.au/contact-us)

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- d. The RTO's registering body, the Australian Skills Quality Authority (ASQA) [www.asqa.gov.au](http://www.asqa.gov.au)

Note: ASQA can only deal with complaints about:

- i. the information provided by an RTO about its course/s
- ii. the delivery and assessment of training received; and
- iii. 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 for further information. <https://www.ombudsman.vic.gov.au/Fact-Sheets/For-Complainants>

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. Reporting via PRISMS

6.1 Lawson College Australia will only report an overseas student for unsatisfactory course progress or attendance in PRISMS after:

- a. The internal and external complaints processes have been completed and the breach has been upheld;
- b. The overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period;
- c. The overseas student has chosen not to access the external complaints and appeals process; or
- d. The overseas student withdraws from the internal or external appeals process, by notifying the registered provider in writing.

## 7. 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 DET 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 DET of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

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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.

## 8. Continuous Improvement

7.1 Potential causes of complaints and appeals will be identified from the complaint and appeal at hand [and others where relevant] and transferred to the Continuous Improvement Register to enable corrective action to be taken to eliminate or mitigate the likelihood of reoccurrence.

## 9. Retention of records

8.1 A complaints and appeals register will be maintained

8.2 Complaints and appeals documentation will be retained in accordance with Lawson College Australia retention guidelines.

## Document History and Version Control Table

Version Number	Date approved	Approved by	Type of change	Extent
V.1.0	18/09/2013	GRMC	Initial	Initial development
V.2.0	18/09/2014	GRMC	Major	ESOS related
V 3.0	18/09/2015	GRMC	Major	Reviewed and merged RTO and ESOS requirements
V 3.1	18/09/2017	CEO	Minor	Formatting and editing. Deleted COPE, replaced by Director
V 4.0	19/01/2018	CEO	Major	Reviewed and updated in relation to ESOS Standards 2018

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