



## Policy - Complaints and appeals

### Purpose

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

### ASQA

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 complaint handling and appeals policy and process, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.[S10.1]
- b. Commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the registered provider's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable.[S10.2.3]
- c. 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;[S10.3] and
- d. If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendations and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.[S10.4]

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 Australia;
- Any third-party providing services on Lawson College Australia's 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>Appellant</b>	A person who applies to a higher authority for a reversal of the decision of a lower authority.
<b>ASQA</b>	Australian Skills Quality Authority (Australian Government) is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.
<b>Appeal</b>	An <b>appeal</b> is the process in which cases are reviewed, where parties request a formal change to an official decision
<b>Appeal (Complaint and appeal) Stages - Lawson College Australia</b>	<p><b>Pre-stage 1: Informal process – internal</b></p> <ul style="list-style-type: none"> <li>• Communication between the parties. If resolved - no further action.</li> </ul> <p><b>Stage 1: Formal process – internal</b></p> <ul style="list-style-type: none"> <li>• Student completes Form – <i>Application - Complaints and Appeal – Stage 1</i> within five days of non-resolution in Pre-stage 1 process. If resolved - no further action.</li> </ul> <p><b>Stage 2: Formal process – internal</b></p> <ul style="list-style-type: none"> <li>• If not resolved in Stage 1 process the student can lodge a written statement of appeal of the outcome of Stage 1 with CEO (delegate) within 10 working days of the date of the written communication regarding the outcome of Stage 1. If resolved – no further action.</li> </ul> <p><b>Stage 3: An external appeals process</b></p> <ul style="list-style-type: none"> <li>• Internal processes must precede any external appeal and students must inform Lawson College Australia of their intention to proceed to an external appeal.</li> </ul>
<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 Senior Staff 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> 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 <i>Overseas student visa requirements</i> , are met and the differences are clearly explained in the provider's policies and procedures. Lawson College Australia implements one policy that includes complains and appeals processes.
<b>DoHA</b>	Department of Home Affairs – DoHA. The Department of Home Affairs. The DoHA brings together Australia's federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs and immigration and border-related functions, working together to keep Australia safe. <a href="https://www.homeaffairs.gov.au/">https://www.homeaffairs.gov.au/</a>
<b>ESOS Act</b>	Educational Services for Overseas Students Act as amended from time to time
<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>GTE</b>	Genuine Temporary Entrant (GTE). All applicants for a Student visa must show they are coming to Australia temporarily to gain a quality education. <a href="https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500/genuine-temporary-entrant">https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500/genuine-temporary-entrant</a>
<b>HOD</b>	Head of Department
<b>Learner</b>	A <b>learner</b> is someone who is learning about a particular subject or how to do something.
<b>OSO</b>	Overseas Student Ombudsman <a href="http://www.ombudsman.gov.au/How-we-can-help/overseas-students">http://www.ombudsman.gov.au/How-we-can-help/overseas-students</a>
<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).

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	PRISMS is a secure system for providers to: -issue 'Confirmations of Enrolment' to overseas students intending to study in Australia (the Department of Home Affairs requires these to issue a student visa), and report changes in overseas student's course enrolment.
<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>
<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: <ul style="list-style-type: none"> <li>• a hearing appropriate to the circumstances;</li> <li>• lack of bias;</li> <li>• evidence to support a decision; and</li> <li>• inquiry into matters in dispute.</li> </ul>
<b>Respondent</b>	A person responding to a complaint or appeal
<b>RTO</b>	Registered Training Organisation
<b>Student Visa Conditions</b>	As an international student on a student visa, you must: <ul style="list-style-type: none"> <li>• comply with your student visa conditions</li> <li>• ensure you have and continue to maintain your Overseas Student Health Cover (OSHC) for as long as you stay in Australia on a student visa</li> <li>• tell your institution if you change your address or other contact details</li> <li>• meet the terms of your written agreement with your education institution (including payment of fees). Please note, the written agreement is a legal contract</li> <li>• maintain satisfactory course progress and attendance.</li> </ul>
<b>Written Agreements</b>	A written agreement under Australian law, is in regard to acceptance of an offer of a course and must be in the form of a written agreement. This is the document that the student signs when they enrol with an education provider. In the written agreement, providers must give detailed information on: <ul style="list-style-type: none"> <li>• the course enrolled in</li> <li>• payment plan for tuition fees including the number and length of each study period</li> <li>• any non-tuition fees</li> <li>• refund entitlements in different situations</li> <li>• course requirements including minimum English language</li> <li>• requirements on attendance and making satisfactory progress; that is, that they must participate in scheduled classes in accordance with course timetables to make satisfactory course progress, and if they don't satisfactorily progress in their course, they will be in breach of a condition of their visa.</li> <li>• that ASQA may, at any time, require a training provider to implement policies and procedures to monitor minimum attendance requirements and if students don't meet these requirements, they will be in breach of their visa</li> <li>• any services that can support student safety, and</li> <li>• that the DoHA may cancel a student's visa if they fail to maintain their enrolment</li> </ul> <p>(<a href="https://www.asqa.gov.au/news-publications/publications/fact-sheets/overseas-student-attendance">https://www.asqa.gov.au/news-publications/publications/fact-sheets/overseas-student-attendance</a> July 2019)</p>

[S = ESOS Standard]

## Policy

### 1. Complaints and appeals systems

1.1 Despite all efforts of Lawson College Australia to provide satisfactory services to its learners, overseas students, clients, employers and other persons, complaints may occasionally arise requiring formal resolution.

1.2 Complaints and appeals may be made in relation to any of Lawson College Australia's services, activities and decisions such as:

a. the selection processes

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- 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 Australia; and
  - g. the way someone has been treated.
- 1.3 Lawson College Australia is committed to implementing the principles of natural justice and procedural fairness at every stage of the complaint and appeal process. Lawson College Australia will conduct the assessment of the complaint or appeal in a professional, fair and transparent manner. [S10.2.5] Lawson College Australia 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 Australia 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 Australia 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 overseas students, complaints are resolved promptly as not to impact on an overseas 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
- 1.4 All formal complaints and appeals processes 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.
- 1.5 Each party to the complaint or appeal (if applicable) is given an opportunity to formally present his or her case and be accompanied and assisted by a support person at any relevant meetings. [S10.2.4]
- 1.6 If Lawson College Australia 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.
- 1.7 Complaints may be resolved on first contact if the complaint is straightforward. Written records of verbal evidence will be kept (if applicable). Complex complaints require a planned investigation {oso factsheet}. This takes into account a range of aspects that may include reviewing an overseas student's GTE, Statement of Purpose, Pre-training Review etc.
- 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 All records relating to complaints and appeals will be treated as confidential and will be covered by Lawson College Australia's Information Privacy Policy.
- 1.10 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.

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- 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. Overseas Student complaints and appeals: General Overview

- 2.1 Lawson College Australia will respond to any complaint or appeal the overseas student makes regarding his or her dealings with Lawson College Australia, including Lawson College Australia's education agents or any related party Lawson College Australia has an arrangement with to deliver the overseas student's course or related service. [S10.2.2]

### 2.1.1 Complaints and appeals - Internal

- a. The overseas student is 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 (Pre-stage 1 - informal). Lawson College Australia's staff are available to assist students to resolve their issues at Pre-stage 1 - informal level and/or to assist the student with lodging the relevant documentation for the submission of a Stage 1 -formal complaint and if still not resolved escalate to Stage 2 -formal process. [See Section 3: Making a formal complaint]
- b. The overseas student is given an opportunity to formally present his or her case, at no cost, and be accompanied and assisted by a support person at any relevant meetings. [S10.2.4]
- c. The overseas student will be given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome. [S10.2.6]
- d. Lawson College Australia will keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome. [S10.2.7]

### 2.1.2 Complaints and appeals - External

- a. If the overseas student is not successful in Lawson College Australia's internal complaints handling and appeals process, Lawson College Australia will advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an **external complaints handling and appeals** process at minimal or no cost. Lawson College Australia will provide the overseas student the contact details of the appropriate complaints handling and appeals body. [S10.3] [See also Section 4: External complaints and appeals processes].
- b. 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.
- c. 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 ESOS Standard 8].

## 3. Making a formal complaint

- 3.1 **Stage 1 - formal (internal)** [Initial formal complaint and appeal after exhausting the Pre-Stage 1 – internal informal process]. The **Form - Application - Complaints and Appeal – Stage 1** is completed (as per the directions on the Form). When making a complaint the complainant should provide as

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much detail as possible to enable Lawson College Australia to investigate appropriately and determine a solution. This should include:

- a. The issue that is the cause for the complaint
  - b. Any evidence that supports the complaint
  - 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 complaint will be acknowledged in writing within 5 working days of receiving the complaint.
- 3.3 Upon receiving the complaint, the Case Manager allocated by Director will plan and conduct an investigation into the matter and ensure that Lawson College Australia 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.
- 3.4 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.
- 3.5 **Stage 2 – formal (internal):** If no resolution in Stage 1 processes, the student may provide a written statement appealing the preceding decision within 5 days of receipt of the letter of outcome of the decision of the 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. Students will be informed of the progress of their complaint if there is a delay. {OSO factsheet}
- 3.6 **Stage 3 – external:** If no resolution in Stage 2 processes, the student may appeal to an external complaints or appeal process. The student advises Lawson College Australia that they remain dissatisfied with preceding outcome decision of Stage 2 and wish to access an external body which is appropriate for the complaint or appeal, **at their own cost**. In this instance Lawson College Australia will advise the student to access an external body as outlined below within 10 working days of the completion of the internal review. [See Section 4]

#### 4. External complaints and appeals processes

- 4.1 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.
- 4.2 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. ITECA (The Independent Tertiary Education Council Australia <https://www.iteca.edu.au/>)
  - c. Administrative Appeals Tribunal [www.aat.gov.au/contact-us](http://www.aat.gov.au/contact-us)
  - 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
- 4.3 **Overseas 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 Australia. Students are able to view the Overseas

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Students Ombudsman website for further information. <https://www.ombudsman.vic.gov.au/Fact-Sheets/For-Complainants>

- 4.4 If the internal or any external complaint handling or appeal process results in a decision that supports the student, Lawson College Australia will immediately implement any decision and/or corrective and preventative actions required and advise the student of the outcome. [S10.4]

## 5. Making an appeal of an assessment decision

- 5.1 Before lodging a formal appeal the student must make a request for an initial review of their assessment task with the Unit Coordinator or the relevant staff member responsible for making the assessment decision. If the student is dissatisfied with the outcome of the initial review they may lodge a formal appeal as outlined in this Policy – *Complaints and Appeals*. Students must lodge the Form – *Application – Complaints and Appeal – Stage 1* and also must complete Attachment A: *Formal appeal – assessment task/grade* within 20 working days of the assessment decision being made. The request must include reasons [basis] why the assessment appeal is being made:
- Assessment method differs from the description in the unit outline/assessment tasks descriptor
  - Assessment criteria used to evaluate the work differs from the agreed assessment criteria
  - Unfair or biased application of the assessment criteria
  - Final result is not equal to the aggregate of the individual assessment components
  - Inappropriate penalties have been applied
- 5.2 Upon receipt of the appeal, which is logged, an internal review of the assessment will occur and the Director/delegate may request further information from the appellant.
- 5.3 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 College Australia 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
  - the appointment of an independent, qualified assessor to review the assessment.
- 5.4 All reasonable measures will be taken to ensure that an assessment appeal is resolved within 20 working days. The Director/delegate will ensure that the appellant is advised in writing of the outcome along with reasons for the decision within this timeframe.

## 6. Reporting via PRISMS

- 6.1 Reporting an overseas student via PRISMS will only occur if the overseas student:
- has unsatisfactory course progress, and/ or;
    - has unsatisfactory attendance, and/ or;
    - breaches a student visa condition/s;
  - The internal and external complaints processes have been completed and the breach has been upheld;
  - The overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period;
  - The overseas student has chosen not to access the external complaints and appeals process;
  - The overseas student withdraws from the internal or external appeals process, by notifying the registered provider in writing.

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## 7. Enrolment status

- 7.1 Lawson College Australia will maintain an overseas 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 Australia maintains the student's enrolment as follows:
- If the appeal is against Lawson College Australia's decision to report the student for unsatisfactory course progress or unsatisfactory attendance, the student's enrolment will be maintained until the external process is completed and has supported or not supported Lawson's College Australia's decision to report.
  - If the appeal is against Lawson College Australia's decision to suspend or cancel a student's enrolment due to misbehaviour, Lawson College Australia 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 in Section 4.
- 7.2 For **overseas 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).
- 7.3 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

- 8.1 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.
- 8.2 Individual complaints are assessed to see if there are any systemic issues that warrant attention. {OSO factsheet}

## 9. Retention of records

- 9.1 A complaints and appeals register will be maintained
- 9.2 Complaints and appeals documentation will be retained in accordance with Lawson College Australia's 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
V 5.0	30/9/2019	QACC	Major	OSO information and updated content and definitions

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