



## Policy and Procedure - 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.

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals 6.5_22112023



## Scope

This Policy applies to:

- All Lawson College Australia students regardless of enrolment status.
- Any third-party providing services on Lawson College Australia's behalf - specifically work placements as Lawson College Australia 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> Refer to Appendix: Complaints and Appeals Flowchart	<p><b>Pre-stage 1: Informal process – internal</b> Communication between the parties. 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. If resolved - no further action.</p> <p><b>Stage 1: Formal process – internal</b> Student completes Form – <i>Application - Complaints and Appeal</i>. The receipt of the complaint will be acknowledged in writing within 5 working days of receiving the complaint. The Case Manager and the Complaints and Appeals Committee 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 usually twenty (20) working days of receipt of the complete the Form- <i>Application – Complaints and Appeal</i>, or as soon as practicable. If resolved - no further action.</p> <p><b>Stage 2: Formal process – internal</b> 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 5 working days of the date of the written communication regarding the outcome of Stage 1. If resolved – no further action</p> <p><b>Stage 3: An external appeals process</b> Internal processes must precede any external appeal and students must inform Lawson College Australia of their intention to proceed to an external appeal. 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.</p>
<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 Australia 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

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals
			6.5_22112023



	<p>implements one policy that includes complaints and appeals processes. Complaints and Appeals may be academic or general in nature:</p> <p><b>Academic:</b> Assessment and results; complainant progress; curriculum content and delivery and conferral of awards.</p> <p><b>General [non-academic]:</b> Customer services and administration, marketing and information, facilities, fees and finance related matters and welfare.</p>
<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>Learning Management System (LMS)</b>	An LMS provides a learning space online. Lawson College Australia uses the LMS Moodle, which enables students and staff to access student support services information and forms, course materials, submit assessments, gain feedback, communicate, see grades and much more all by logging in to their very own online account.
<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). 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>	<p>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 is particularly relevant to decisions which clearly affect individuals’ rights, for example in complaints and appeals. There are two fundamental rules for natural justice:</p> <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>	<p>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.</p> <p>The rules of procedural fairness require:</p> <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 (international)</b>	A student who is enrolled at Lawson College Australia and includes both prospective students and enrolled students who are ‘overseas students’ as defined in the National Code and hold a student visa as defined by the ESOS Act.
<b>Student Visa Conditions</b>	<p>As an international student on a student visa, you must:</p> <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> </ul>

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals 6.5_22112023



	<ul style="list-style-type: none"> <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>Support Person</b>	The National Code Standard 10: Complaints and appeals, clause 10.2.4 refers to ensuring <i>the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person, if necessary, at any relevant meetings.</i> Please note Agents of any kind, Lawyers or anyone who has a perceived commercial interest are not permitted to attend as a Support Person, as they are considered to have a conflict of interest. <i>Any disclosure of personal information to a third party would be governed under Lawson College Australia's Privacy Policy.</i>
<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. An application form or a letter of offer could be the basis for the written agreement once it is signed or accepted by an overseas student. Overseas students enrolled in a number of consecutive courses with the one provider do not need a separate written agreement for each course. If the terms of the agreement are the same for each course, the registered provider may have a single written agreement covering all the courses. Changes can be made to the Written Agreement. Both student and provider need to agree on the changes before they take effect. Any modifications to the written agreement should be clearly dated so that it is clear which terms apply at any point in time. The student should keep a copy of any modifications to the Written Agreement. (Sources: <a href="#">Standard 3: Formalisation of enrolment and written agreements - Department of Education, Skills and Employment, Australian Government (dese.gov.au)</a> ; <a href="#">Factsheet student written-agreements.pdf (ombudsman.gov.au)</a> )

[S = ESOS Standard]

## 1. Policy - Complaints and Appeals

- 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:
- the selection processes
  - the enrolment, induction and/or orientation process
  - the quality of training and assessment provided
  - attendance, assessment, course progress and extending course duration
  - access to records
  - decisions made by Lawson College Australia; and
  - 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:
- 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 Australia prevent these events from recurring

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals 6.5_22112023



- 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 of receipt of the complete Appeal and Complaint Form, or as soon as practicable. However, in some cases, particularly if the matter is complex, the resolution may take longer.
  - 1.5 The National Code Standard 10: Complaints and appeals, clause 10.2.4 refers to *ensuring the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings.*
  - 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.
  - 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.
  - 1.12 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]
  - 1.13 A FAQs and FACTSHEETS content is publicly accessible on the Lawson College Australia website. <https://lawsoncollege.edu.au/faqs/> and <https://lawsoncollege.edu.au/fact-sheets/>

## 2. Procedure - Complaints and Appeals

### 2.1 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

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals
			6.5_22112023



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 2.3: Making a formal complaint]. If resolved there is no further action.

- 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, if necessary, 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]

## 2.2 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 2.4: 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].

## 2.3 Making a formal complaint

- 2.3.1 **Stage 1 - formal (internal)** [Initial formal complaint and appeal after exhausting the Pre-Stage 1 – internal informal process]. The student completed the **Form - Application - Complaints and Appeal – Stage 1** is completed (as per the directions on the Form). The **Form – Application – Complaints and Appeal – Stage 1** is accessible on Moodle and/or provided on request by contacting [compliance@lawsoncollege.edu.au](mailto:compliance@lawsoncollege.edu.au). When making a complaint the complainant should provide as 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.
- 2.3.2 The receipt of the complaint will be acknowledged in writing within 5 working days of receiving the complaint.
- 2.3.3 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.
- 2.3.4 The Case Manager and the Complaints and Appeals Committee will decide on an appropriate resolution and advise the complainant in writing how the matter will be resolved along with reasons for the decision

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals 6.5_22112023



within usually twenty (20) working days of receipt of the complete **Form – Application -Complaint and Appeal**, or as soon as practicable. If resolved there is no further action.

2.3.5 **Stage 2 – formal (internal)**: If no resolution in Stage 1 processes, the student can lodge a written statement of appeal of the outcome of Stage 1 with the CEO (delegate) within 5 working days of the date of the written communication regarding the outcome of Stage 1. If resolved there is no further action. 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 (or delegate). The outcome of review of complaint and appeal with reasons for decision is communicated in writing to Complainant within 20 working days of receipt of written statement. Students will be informed of the progress of their complaint if there is a delay. [OSO factsheet]

2.3.6 **Stage 3 – external**: Internal processes must precede any external appeal and students must inform Lawson College Australia of their intention to proceed to an external appeal.

If there is 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 2.4]

## 2.4 External complaints and appeals processes

2.4.1 Where the complainant remains dissatisfied with the outcome of the complaints and appeals process offered by Lawson College Australia to date the complainant can access an external source [external reviewer] complaints or appeals process at their own cost. Internal processes must precede any external appeal and students must inform Lawson College Australia of their intention to proceed to an external appeal.

2.4.2 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

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

2.4.4 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]

## 2.5 Making an appeal of an Assessment decision

2.5.1 Before lodging a formal appeal the student must make a request for an initial review of their assessment task with the Trainer and Assessor 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

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals
			6.5_22112023



of the assessment decision being made. The request must include reasons [basis] why the assessment appeal is being made.

2.5.2 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.

2.5.3 The assessment will then be reviewed which may involve:

- a. the original assessor reviewing the assessment decision and consult with another assessor and another assessor marks the assessment; or
- b. the examination by the Lawson College Australia Complaints and Appeals Committee. Others may be co-opted depending on the appeal; or
- c. the appointment of an independent, qualified assessor to review the assessment.

2.5.4 All reasonable measures will be taken to ensure that an assessment appeal is resolved within usually twenty (20) working days of receipt of the complete Form – *Application – Complaints and Appeal – Stage 1 including Attachment A: Formal appeal – assessment task/grade*, or as soon as practicable. The Director/delegate will ensure that the appellant is advised in writing of the outcome along with reasons for the decision within this timeframe.

## 2.6 Reporting via PRISMS

2.6.1 Reporting an overseas student via PRISMS will only occur if the overseas student:

- 2.6.1.1
  - a. has unsatisfactory course progress, and/ or;
  - b. has unsatisfactory attendance, and/ or;
  - c. breaches a student visa condition/s;
- 2.6.1.2 The internal and external complaints processes have been completed and the breach has been upheld;
- 2.6.1.3 The overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period;
- 2.6.1.4 The overseas student has chosen not to access the external complaints and appeals process;
- 2.6.1.5 The overseas student withdraws from the internal or external appeals process, by notifying the registered provider in writing.

## 2.7 Enrolment status

2.7.1 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:

- a. 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.
- b. 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 2.4.

2.7.2 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).

2.7.3 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

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals
			6.5_22112023





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.

## 2.8 Continuous Improvement

- 2.8.1 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.
- 2.8.2 Individual complaints are assessed to see if there are any systemic issues that warrant attention. {OSO factsheet}

## 2.9 Retention of records

- 2.9.1 A complaints and appeals register will be maintained
- 2.9.2 Complaints and appeals documentation will be retained in accordance with Lawson College Australia's retention guidelines.

## 3. Dissemination of information to staff

- 3.1 Relevant staff will be informed of this Policy and Procedure and any subsequent changes will be via an agenda item at a scheduled Quality and Compliance Committee (QACC) Executive meeting, and published minutes, and dissemination by public access of this Policy and Procedure on the Lawson College Australia website – International Student Policies (<https://lawsoncollege.edu.au/international-student-policies/>)

## 4. References

- [Education Services for Overseas Students Act 2000 \(legislation.gov.au\)](https://www.legislation.gov.au/idx/insolent?doc=1312526&docType=act)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(legislation.gov.au\)](https://www.legislation.gov.au/idx/insolent?doc=1312526&docType=act)
- [General Factsheet - Department of Education, Skills and Employment, Australian Government \(dese.gov.au\)](https://www.dese.gov.au/general-factsheet-department-of-education-skills-and-employment-australian-government)
- [Factsheet\\_student\\_written-agreements.pdf \(ombudsman.gov.au\)](https://www.ombudsman.gov.au/factsheet-student-written-agreements.pdf)
- [Education Fact Sheet Title \(internationaleducation.gov.au\)](https://www.internationaleducation.gov.au/education-fact-sheet-title)
- [Overseas Students - Commonwealth Ombudsman](https://www.ombudsman.gov.au/overseas-students-commonwealth-ombudsman)

**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
V.5.1	06/04/2020	QACC	Minor	Additional information on Stage 2 – formal (internal) Appeal
V.5.2	16/07/2020	CEO	Minor	Section 3.5 and 5.3 added (and delegate) next to CEO.
V.5.3	08/09/2020	QACC/ CEO	Minor	Added Note; Added Definitions: Cloud Learning @ Lawson, Distance Learning, LMS, Student, Social Distancing definition; Updated content in Support Person definition Added clarification content in Section 1.5, and 2.1.1 b.; Added 'as per prevailing social distance protocols content in regard to Meetings in Section 1.5; Updated LCA/Lawson College references to Lawson College Australia.
V5.4	5/02/2021	QACC	Minor	Added procedure to title. Sectioned content into Section 1 – Policy, and Section 2 – Procedure. Added additional information to 2.5.3 a. (and another assessor will mark the assessment). Added Appendix – Complaints and Appeals Flowchart.
V6.0	31/01/2022	QACC	Major	Added definition of 'Overseas Student' as per ESOS regulations. Incorporated OSO improvement recommendations relating to 'Scope'. Replaced: <i>All learners currently enrolled with Lawson College Australia With:</i>

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals
			6.5_22112023

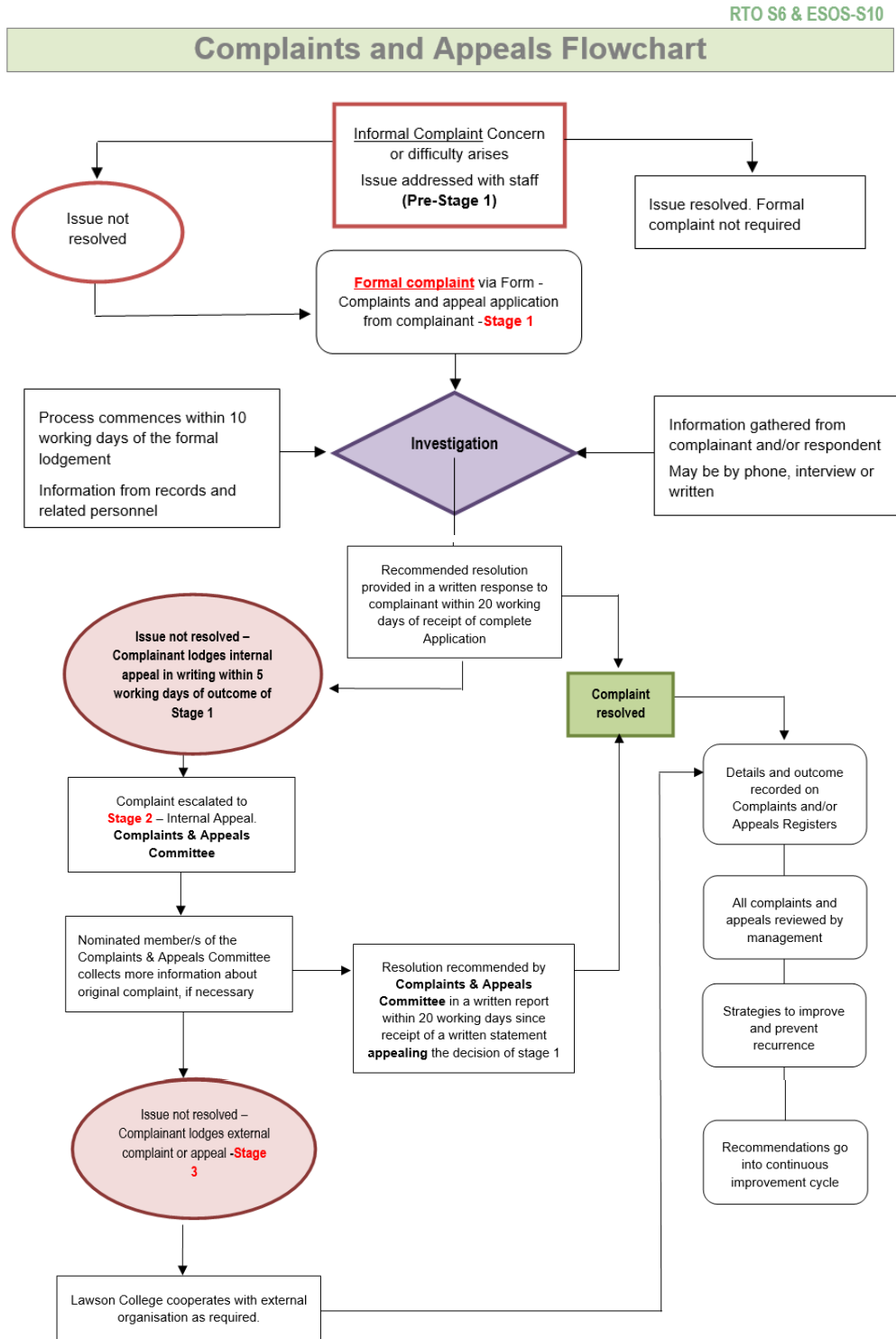


Version Number	Date approved	Approved by	Type of change	Extent
				<i>'All LCA students regardless of enrolment status.'</i>
6.1	23/03/2022	QACC	Minor	Replaced LCA with Lawson College Australia (in Scope section) Removed 'note' - content now redundant, and topic is already addressed in definitions - Cloud Learning Augmented definition of 'Support Person' Re-worded Section 1.5 Added Section 3 – Dissemination of information to staff Added Section 4 – Reference Updated Footer – QACC, Policy and Procedure, version and date
6.2	20/05/2022	QACC	Minor	Section 2.3.1 wording change. Changed from 'The <b>Form - Application - Complaints and Appeal – Stage 1</b> is completed (as per the directions on the Form) which is accessible on Moodle' to 'The <b>Form - Application - Complaints and Appeal – Stage 1</b> is completed (as per the directions on the Form). The <b>Form – Application – Complaints and Appeal – Stage 1</b> is provided on request by contacting <a href="mailto:compliance@lawsoncollege.edu.au">compliance@lawsoncollege.edu.au</a> .
6.3	27/05/2022	QACC	Minor	<b>Section 2.3.1 modification of wording from V6.2 above. Stage 1 - formal (internal)</b> [Initial formal complaint and appeal after exhausting the Pre-Stage 1 – internal informal process]. The <b>Form - Application - Complaints and Appeal – Stage 1</b> is completed (as per the directions on the Form). The <b>Form – Application – Complaints and Appeal – Stage 1</b> is accessible on Moodle and/or provided on request by contacting <a href="mailto:compliance@lawsoncollege.edu.au">compliance@lawsoncollege.edu.au</a>
6.4	04/08/2022	QACC	Minor	Updated Footer and Version Updated Definitions: Appeal (Complaint and appeal) Stages - Lawson College Australia, Cloud Learning@Lawson, Complaints and appeals process, Support Person, Written Agreement Updated wording Sections 2.3.4, 2.3.5, 2.3.6, 2.4.1, 2.5.1, and 2.5.3 (aligns with wording on Form-Application-Complaints and Appeal.
6.5	22/11/2023	QACC	Minor	Updated definitions: student (international), support person, written agreement. Removed all references to Cloud Learning@Lawson, social distancing, online/ distance learning in definitions and policy Updated Sections 1.5, and 2.1 b. removed some information about support person as already in definitions Inserted section 1.13 Updated references Updated footer Reformatted

Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals
			6.5_22112023



Appendix – Complaints and Appeals Flowchart



Lawson College Australia	RTO: 40679	CRICOS Provider: 03406J	Version
ESOS Standard 10	Quality & Compliance Committee (QACC)	Document Name	Policy & Procedure – Complaints and Appeals
			6.5_22112023