

Complaints and Appeals Policy

Purpose

The purpose of this policy and procedure is for NAHB to define the system of the principles of natural justice and fairness in place to deal with complaints and appeals involving the conduct of: (Standard 6, Clause 6.1-6.6)

- the RTO, its trainers, assessors or other staff
- a third party providing services on the RTO's behalf, its trainers, assessors or other staff

or learner of the RTO

Definitions

1. **Complaint** – a statement that something is unsatisfactory or unacceptable which requires a systematic or formal resolution.
2. **Complaints can include but not limited to the following;**
 - Enrolment process
 - Processes
 - The quality of the training delivery
 - Assessment outcomes/including recognition of prior learning
 - Issuing of results, certificates and /or statements of attainment
 - Any other activities associated with the delivery of training and assessment services
 - Conduct of the RTO in regards to its recipients
 - Conduct of other students
 - Issues arising from third party providers on behalf of the RTO
 - Other issues such as;
 - discrimination, sexual harassment, victimisation, disability discrimination and bullying
3. **Appeal** – to apply to a higher authority or external body for review of how a complaint process was handled or in relation to an unfavourable decision made against them.
4. **External Appeal**

A request for an independent, external review of a decision and handling of a particular scenario.
5. **Australian Skills Quality Authority (ASQA).**

The Australian Skills Quality Authority (ASQA) 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.

ASQA can investigate complaints about:

- the quality of the training that you receive
- registered training organisations that you believe have breached the [required standards](#)
- training providers delivering [English Language Intensive Courses for Overseas Students \(ELICOS\)](#) that you believe have breached the required standards
- the marketing/advertising practices of organisations claiming to be registered training organisations, or to offer nationally recognised training.

6. Overseas Student Ombudsman (OSO)

The Overseas Students Ombudsman investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The legal basis for the Ombudsman role is the Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011, passed by the Australian Parliament on 21 March 2011.

The Ombudsman:

- provides a free service
- is independent and impartial, and does not represent either overseas students or private education providers
- can make recommendations arising out of investigations
- is a function of the Commonwealth Ombudsman

The Ombudsman can only investigate a complaint if:

- it relates to a private education provider registered with the Australian Government on the Commonwealth Register of Institutions and Courses for Overseas students (CRICOS)
- the problem relates to an overseas student who is already studying in Australia on a student visa or is intending to come to Australia soon.

The Ombudsman cannot investigate a complaint if:

- it relates to a public or government education provider. These complaints can be directed to the Ombudsman for your state or territory.

The Ombudsman may also decide not to investigate complaints if:

- the complaint has not first been raised with the education provider
- another organisation is better able to help.

Responsibility

1. The **CEO** is responsible for ensuring this policy and procedure is implemented and executed accurately and effectively.
2. **Management Team**
 - handles all complaints and appeals relevant to their area of responsibility.
3. **Trainers and Assessors**
 - Operate in accordance with NAHB Complaints and Appeals
 - Refer any formal complaints to the relevant management member
4. **Administration Staff**
 - Maintain the complaints and appeals register, in conjunction with the management team

Requirements

1. The handling of a complaint or appeal is to commence within ten (10) working days of complaint or appeal lodgement.
2. Where NAHB considers more than sixty (60) calendar days are required to process and finalise the complaint or appeal,
 - NAHB will inform the complainant or person lodging an appeal in writing, including reasons why more than 60 calendar days are required; and
 - Regularly updates the complainant or person lodging an appeal on the progress of the matter
3. A written record of all complaints and appeals is maintained by NAHB inclusive of all details, lodgement, response/s and resolution.
4. A formal complaint or appeal will be at zero cost to the complainant/appellant
5. The complainant/appellant may be accompanied by a support person at any relevant meeting.
6. The complainant/appellant will have access appropriate access to his/her records, following the NAHB Records Management Policy.
7. The complainant/appellant will receive a written statement of the decision made, including details of the reasons behind the decision.
8. The complainant/appellant will have the opportunity to access an independent body to NAHB to review his/her complaint or appeal following the internal NAHB process been exhausted.
9. NAHB will maintain the enrolment of the complainant/appellant during the Complaints and Appeals process.
10. Decisions or outcomes in the favour of the complainant/appellant shall be implemented immediately.
11. Complaints and Appeals are to be handled in the strictest of confidence and privacy must be maintained at all times.
12. Complaints and appeals are to be considered based on procedural fairness and lead to opportunities for improvement as a Continuous Improvement Report.
13. Recognition of Prior Learning must be structured to minimise the cost and time to applicants whilst retaining the integrity required by ASQA to recognize competencies in accordance with the requirements of Training Packages or Curriculum documents.

The provider must ensure that any applicant for Recognition of Prior Learning is provided with

- Information about the competencies and performance criteria relevant to their Recognition of Prior Learning application
- Adequate information and support to enable them to gather reliable evidence of competency
- Opportunities to obtain feedback on the evidence proposed prior to finalisation of the application

Competencies for which RPL is being requested may have been developed through formal education and training, through work experience or training or through life experiences.

A written statement from an appropriate supervisory person is required to confirm authorship of any work submitted.

It is accepted that RPL is an assessment of an individual's current knowledge, skills and attitudes even though the evidence produced in support of the claim for recognition may be drawn from the past. It is up to the RPL assessor to judge whether the evidence produced demonstrates current knowledge, skills and attitudes

Informal Complaint Procedure

1. The initial stage of any complaint or feedback will be when the client directly communicates with the relevant NAHB staff member and raises the issue/s at hand.
2. The NAHB staff member will attempt to provide a solution to the issue presented.
3. If the client is dissatisfied with the solution presented, they may initiate the formal complaint process.
4. Clients dissatisfied with the response to the informal response

Formal Complaint Procedure

1. The informal complaint and appeals procedure must be explored first.
2. A Complaint and Appeal form must be completed. This form is made publicly available and can be found online www.nahb.edu.au or at the NAHB reception.
3. The form must be lodged within 7 days from the occurrence of an event. This can be lodged using any one of the following methods;

In person

Level 1, 3-7 Shelley Street, Richmond VIC 3121

(Reception or relevant Management Member)

By Email : info@nahb.edu.au

By Mail : Level 1, 3-7 Shelley Street, Richmond VIC 3121

4. Once the complaint is received, the Training Manager/Academic Manager will convene an independent panel to hear the complaint; called the (complaint and appeals committee).
5. The independent panel shall not have had any previous involvement with the complaint or appeal. This panel will include representatives of;
 - The Training Manager
 - A member of the teaching staff
 - A member from the administration team

6. The client will be contacted within Ten (10) working days of the complaint been received and a time will be organised for them to attend a meeting with the complaint committee.
7. The CEO will seek approval from the complainant and member of staff to have both parties present at this meeting.
8. If either party objects, both parties will be heard on the same day at different times to ensure the respect and comfort of all parties involved.
9. The client will be given the opportunity to present their case to the committee and is welcome to bring a support person to this meeting.
10. The relevant staff member shall be given the opportunity to present their case to the committee and is welcome to bring a support person to this meeting.
11. The complaints and appeals committee will review all evidence presented at the meeting and make a decision regarding the complaint or appeal.
12. This decision will be communicated to all parties involved within five (5) working days of making the decision in the form of a letter.
13. Should the complainant or appellant be dissatisfied with the outcome of this process, external mediation and resolution is available. A request for external mediation or dispute resolution must be made in writing.
14. The privacy of the complaint and the complainant must be maintained at all times.

Internal Appeals Process

15. If the complainant is not satisfied with the decision made by the panel in the stage above, the complainant may lodge an appeal with the CEO.
16. The appeal may also be lodged If the student is not satisfied with the outcome of one or more of the following
 - Decision for Units of Competency Outcome
 - Decision of RPL outcome
 - Decision of Credit Transfer outcome
 - Decision made for Fee refund
 - Decision made to cancel, suspend or defer the enrolment.
17. The appellant must fill the Complaints and Appeal form to lodge a formal appeal.
18. The CEO is responsible for handling the appeals process.
19. The client will be contacted within Ten (10) working days of the complaint been received and a time will be organised for them to attend a meeting with the complaint committee.
20. The appeal must be resolved and a decision must be made within 28 working days.
21. This decision will be communicated to all parties involved within five (5) working days of making the decision in the form of a letter.
22. If the student is not satisfied with the decision made at he internal appeal stage, the student is then referred to external authorities to initiate an external appeals process.

External Appeal Process

The following people/organisations are available:

1. Overseas Student Ombudsman -

investigates complaints about problems that intending, current or former overseas students have with private schools, colleges, and universities (education providers) in Australia.

provides information about best practice complaints handling to help private education providers manage internal complaints effectively

publishes reports on problems and broader issues in international education that we identify through investigations.

Online: A student can make a complaint online by visiting the website of Ombudsman and completing the online complaint form at <http://www.oso.gov.au>.

Telephone: Students can contact OSO by telephone, 9am to 5pm Monday to Friday, Australian Eastern Standard Time (AEST). In Australia, call: 1300 362 072 (calls from mobile phones at mobile phone rates). Outside Australia, call +61 2 6276 0111

Using an interpreter: If a student wants to make a complaint in his/her own language then they can call the Translating and Interpreting Service (TIS) in Australia on 131 450, outside Australia call +61 3 9203 4027. OSO will pay for the interpreter.

If you are deaf, hearing or sight impaired: Students can contact OSO via the National Relay Service. Teletypewriter (TTY) users phone 133 677 and then ask for 1300 362 072. Speak and Listen users phone 1300 555 727 and then ask for 1300 362 072. Internet Relay users connect to the National Relay Service www.iprelay.com.au and then ask for 1300 362 072

Fax: Students can send a fax to OSO (Within Australia: 02 6276 0123. Outside Australia: +61 2 6276 0123)

Mail: Students can write a letter and post it to: Overseas Students Ombudsman GPO Box 442 Canberra ACT 2601 AUSTRALIA

2. Australian Skills Qualification Authority
GPO Box 9928, Melbourne, VIC 3001

<http://www.asqa.gov.au/complaints/make-a-complaint---overseas-students/make-a-complaint---overseas-students-1.html>

Before submitting a complaint to Australian Skills Authority (ASQA) the complainant need to exhaust the NAHB Complaint, Appeals Policy, and Procedure.

Confirm that ASQA can consider the complaint – That is the complaint relates to NAHB is in breach of the Standards for Registered Training Organisations 2015.

3. Contact a solicitor; or

Contact the Law College of Victoria, 470 Bourke St Melbourne 3000, and telephone 9602 5000 for a referral to a solicitor.

4. The root cause of any complaint or appeal will be included into NAHB corrective action and continuous improvement processes to ensure all quality processes are effective.

Document History		
Version No, Date	Modification Details	Modifications made by:
1.0, June 2017	Published the first version of the policy	PG

Related Documents

Complaints and Appeals Register
Complaints and Appeals Form

Documents where the Policy is Quoted

Website
Student Handbook
Written Agreement

Review Date: June 2019