

Complaints and Appeals Policy and Associated Procedures

1. Purpose of the policy

- 1.1. This policy and associated processes outline Gills College Australia's (GCA) approach to complaint handling and appeals. This is to ensure that complaints/appeals are handled in a transparent manner, as well as fairly, efficiently and effectively.
- 1.2. This policy and associated processes meet the requirements of:
 - 1.2.1. Standard 10 - Complaints and Appeals - National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) as stipulated vide the Education Services for Overseas Students Act 2000 (ESOS Act).
 - 1.2.2. Standard 6 of the Standards for Registered Training Organisations 2015, (SRTO 2015) and:-
 - 1.2.2.1. Explanation of Clauses 1.7, 5.4 and 6.1 to 6.6 (Supporting and informing learners; Managing Complaints and Appeals) of SRTO 2015, vide Chapter 3 (Support and Progression) of Users' guide to SRTOs 2015 issued by Australian Skills Quality Authority (ASQA).

Policy statements

2. Approach

- 2.1. This policy needs to be disseminated to Students during Orientation/Induction.
- 2.2. Complaints may be made against GCA, its trainers and assessors and other staff, a learner of GCA, as well as any third party providing services on behalf of GCA including education agents.
- 2.3. If an overseas student is not satisfied with the outcome, of the GCA's Internal Complaints and Appeals process, they need to be advised of their right to access an external appeals process within 10 working days. The contact details of the external agencies, are enumerated in the succeeding paragraphs.
- 2.4. **Complaints** can be in relation to any aspect of the GCA's services provided.
- 2.5. **Appeals** can be made in respect of any decision made by GCA. An appeal is a request for the GCA's decision to be reviewed in relation to a matter, including assessment appeals.
- 2.6. In managing complaints, GCA will ensure that the principles of natural justice and procedural fairness are adopted at every stage of the complaint process. This means reviewing each complaint or appeal in an objective and consistent manner.
- 2.7. GCA will appoint relevant person(s) to manage complaints and appeals.
- 2.8. The internal complaints and appeals process will be conducted at no cost to students.
- 2.9. Potential causes of complaints and appeals will be investigated and corrective and preventative action will be taken in relation to complaint and appeals.

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- 2.10. Complaints and appeals will also provide an opportunity for improvement and changes to the existing process and will be incorporated in Continuous Improvements Register (CIR) where necessitated.
- 2.11. All relevant individuals, including third parties will be informed of the nature of complaint/appeal, as appropriate, and they will have the opportunity to present their case.
- 2.12. Nothing in this policy and procedure limits the rights of an individual to take action under Australia’s Consumer Protection laws and it does not circumscribe an individual’s rights to pursue other legal remedies.
- 2.13. GCA encourages complainants/appellants to first seek to address the issue informally by discussing it with the person involved. However, if the complainant/appellant is not comfortable with this or has tried this unsuccessfully, they may follow the procedures below.
- 2.14. All records of complaints and appeals will be kept by the GCA and entered into the complaints and appeals register with the appropriate level of confidentiality as per AQTF SRT0 2015 and Privacy Act.

3. Complaints and appeals process

- 3.1. Complaints and appeals are to be made as follows:
- 3.1.1. **Verbal Complaint:** In case of a Verbal complaint/appeal following action is to be taken:
- 3.1.1.1. Advise complainant/appellant to try to resolve the matter with the person concerned. Feedback and or resolution will be recorded (if required).
- 3.1.1.2. If above step is unsuccessful or is determined to be inappropriate by the student then the student may proceed with a written complaint.
- 3.1.2. **Written Complaint.** The student must submit complaint or appeal in writing to the Student Support Officer at GCA using the complaints and appeals form.
- 3.1.2.1. The complaints and appeals form outlines the information that should be provided and can be submitted online or in person.
- 3.1.2.2. The students may meet the Student Support Officer at GCA and seek their assistance to fill up the form. Such forms would need to be signed by the appellant/complainant prior to submission.
- 3.1.2.3. The students must be informed within 10 working days, by an email or in writing that the complaint/appeal has been received.
- 3.1.3. The student must submit complaint within 30 calendar days of the incident, or in the case of an appeal, within 30 calendar days of the decision being made.

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4. Response to complaints and appeals

- 4.1. Complaints and appeals will be responded to as follows:
- 4.1.1. The Student Support Officer will submit the form to the Campus Manager latest by the next working day.
 - 4.1.2. The complaint or appeal will be acknowledged in writing within 10 working days of receipt.
 - 4.1.3. Review of the complaint or appeal will commence within 10 working days of receiving the complaints.
 - 4.1.4. Complaints and appeals will be finalised as soon as practicable or within 30 calendar days.
 - 4.1.5. The outcomes of the complaints and appeals process will be communicated in writing to the person making the complaint or appeal.
- 4.2. Each individual involved in the complaint/appeal may have a support person of their choice present at any meetings to resolve the complaint or appeal.

5. Enrolment during a complaints process

- 5.1. **Domestic student's** enrolment will be maintained throughout the complaints and appeals process unless the complaint is in relation to misconduct.
- 5.2. **International student's** enrolment will also be maintained throughout the internal appeals processes without notifying DOE via PRISMS of a change in enrolment status.
- 5.3. Additionally, for international students (in accordance with Standard 9 of National Code 2018):-
- 5.3.1. An international student's Confirmation of Enrolment (CoE) and consequently visa may be cancelled if the deferral or suspension:
 - 5.3.1.1. is due to the conduct of the student
 - 5.3.1.2. is for reasons other than compassionate or compelling circumstances
 - 5.3.1.3. the compassionate or compelling circumstances which warranted the deferral or suspension
 - 5.3.1.4. of studies cease to exist
 - 5.3.1.5. is based on fraudulent evidence or documents given to the registered provider.
 - 5.3.2. Should GCA initiate the suspension or cancellation of a student's enrolment, it must notify the student of its intention and allow the student 20 working days to access the provider's internal complaints and appeals process, unless extenuating circumstances relating to the welfare of the student apply.
 - 5.3.3. If the student appeals the decision to defer, suspend or cancel his or her studies, GCA must not notify the Department of Education of a change to the enrolment status until the internal complaints and appeals process is completed.

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- 5.3.4. GCA will inform the Department of Education, via Provider Registration and International Student Management System (PRISMS) when a student's enrolment is deferred, suspended or cancelled.
- 5.3.5. Standard 9 allows GCA to grant deferral of commencement of studies or suspension of studies for students who request such a change to their enrolment status on the grounds of compassionate or compelling circumstances.
- 5.3.6. Standard 9 allows GCA to cancel a student's enrolment against misbehaviour, as long as the student has been issued a Notice Of Intention to report and has been given 20 working days to appeal Internally and Externally.

6. Independent appeal process

- 6.1. Where the internal process has failed to resolve the complaint or appeal, the matter will be referred to an independent mediator.
- 6.2. For domestic students, all associated costs are to be met by the complainant/appellant unless it is GCA that made the decision to appoint the independent party.
- 6.3. The independent party recommended by GCA for cases involving domestic students is the Resolution Institute. However, another mediator of the student's choice can be appointed.
- 6.4. For international students, the external mediator is the Overseas Students Ombudsman (OSO). International students can access the OSO at no cost in relation to matters that cannot be resolved through internal processes. Further information and contact details are included below.
- 6.5. During the mediation process, GCA will cooperate in full, and commits to provide evidence that the process was against GCA's policies and procedures, to the external mediator, and/or take preventative or corrective action required by the recommendation.
- 6.6. All actions taken will be communicated in writing to students.

7. Information about external bodies to whom complaints can be made

- 7.1. Where the internal process has failed to resolve the complaint or appeal the student will be advised within 10 working days that they can seek the external complaints/appeals process by approaching the organisations indicated below:
- 7.2. **National Training Complaints Hotline**
 - 7.2.1. The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training.
 - 7.2.2. The Hotline is a referral service that will refer the complaint to the most appropriate authority for further advice. The Hotline is unable to investigate complaints or advocate on the students behalf.

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7.2.3. Prior to lodging this form it is important the students follow GCA's formal complaints and appeals process. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint.

7.2.4. The Hotline can be accessed via:-:

7.2.4.1. Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally

7.2.4.2. Online Via <https://www.dewr.gov.au/national-training-complaints-hotline>

7.3. Australian Skills Quality Authority (ASQA):

7.3.1. Complainants may also connect with the GCA's registering body, Australian Skills Quality Authority (ASQA) online using the asqua-connect portal (<https://asqaconnect.asqa.gov.au/>). It is important to understand that ASQA does not act as an advocate for individual students and is not responsible for resolving disputes between students and training providers. ASQA only uses information from all complaints as intelligence to inform regulatory activities.

7.3.2. More information can be found at: <https://www.asqa.gov.au/students/complaints>

7.4. The Overseas Student Ombudsman (OSO)

7.4.1. International students may complain to the OSO about a range of circumstances. The ombudsman's services are free

7.4.2. **Complaints OSO can look into.** OSO can look into complaints from international students who are currently studying, previously studied, or are planning to study with private education providers on a student visa.

7.4.3. Issues OSO can look into include:

7.4.3.1. course fees and refunds

7.4.3.2. transfers between courses or providers

7.4.3.3. intention to report to Home Affairs for unsatisfactory course progress or attendance

7.4.3.4. cancellation of enrolment

7.4.3.5. deferment and suspension of studies

7.4.3.6. incorrect advice given by an education agent

7.4.3.7. refusing admission to a course

7.4.3.8. GCA's handling of the students complaint or appeal, including complaints about:

7.4.3.8.1. grades and assessments

7.4.3.8.2. academic misconduct decisions

7.4.3.9. Overseas Student Health Cover.

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7.4.4. **Complaints OSO cannot look into.** There are some issues OSO cannot help with. These include complaints about:

- 7.4.4.1. public education providers, such as TAFEs, public primary and secondary (high) schools, and most universities
- 7.4.4.2. the academic merit of the students grade or mark for an assessment task
- 7.4.4.3. bullying, harassment or behaviour of other students
- 7.4.4.4. problems from students on visas other than a student visa (subclass 500), such as professional year courses Graduate visa holders (subclass 476 and 485)
- 7.4.4.5. discrimination
- 7.4.4.6. privacy
- 7.4.4.7. quality of teaching
- 7.4.4.8. qualifications and experience of teachers
- 7.4.4.9. resources or equipment available at your provider
- 7.4.4.10. buildings and facilities at GCA.

7.4.5. The OSO will also provide a list of other ombudsmen and agencies that may help the students

7.4.6. More information can be found at:

- 7.4.6.1. Online : www.ombudsman.gov.au or <https://www.ombudsman.gov.au/complaints/international-student-complaints>
- 7.4.6.2. Phone: 1300 362 072 between 9am and 5pm (AEDT) Monday to Friday
- 7.4.6.3. In writing
GPO Box 442, Canberra ACT 2601
- 7.4.6.4. Student can complain in their language. Call the Translating and Interpreting Service (TIS) on 131 450. OSO will pay for the interpreter.
- 7.4.6.5. If the student has a hearing, sight or speech impairment, a TTY Service is available through the National Relay Service on 133 677.

GCA Process

8. Process of complaints and appeals at GCA

- 8.1. File the complaints and appeals form received.
- 8.2. Record details of the complaint or appeal on receipt on the complaints and appeals register.
- 8.3. Send out an acknowledgement within 10 working days of receiving the complaint or appeal.

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8.4. Determine whether the complaint or appeal can be resolved quickly and easily. If so, take immediate action to resolve the complaint or appeal and inform the student in writing of the outcome.

8.5. If the complaint is more complex, organise relevant staff to review the complaint and commence investigation.

8.6. Inform the complainant or appellant within 10 days of receiving the complaint that the investigation will commence or of the action that will occur in the case of simple complaints.

8.7. Conduct an investigation that includes:

- 8.7.1. Checking of all facts and accuracy of information
- 8.7.2. Requesting further information as required
- 8.7.3. Organising a meeting with the complainant/appellant
- 8.7.4. Provide mediation platform
- 8.7.5. Identifying relevant corrective/preventative action
- 8.7.6. Confirming a solution.

8.8. Where the matter is an appeal about an assessment decision, the investigation process will include an independent review of the assessment evidence and decision by another assessor. A relevant independent assessor should be organised.

8.9. The investigation will be completed within 30 days.

8.10. If it is considered that it will take longer to than 60 calendar days to process, GCA will write to inform the complainant or appellant of this including the reasons for such. Following this update, regular updates will be provided of progress.

8.11. Where the process finds in favour of the student, organise a management meeting to discuss:

- 8.11.1. The process and its outcome; and
- 8.11.2. Actions to be taken to implement the decision, including both corrective/preventative actions.

8.12. Following the meeting, agreed actions will be immediately implemented.

8.13. Update the complaints and appeals register.

8.14. Update the Continuous Improvement register (If required)

8.15. Once the investigation is complete, the complainant or appellant will be informed in writing of the outcome using the complaints and appeals outcome letter.

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Where the response is in relation to a complaint, the letter will advise that the internal appeals process may also be accessed.

8.16. Archive the complaint or appeal documentation.

9. Organise external appeals

9.1. In cases where the student has organised the mediator, GCA will be responding to the mediator's requests.

9.2. Cooperate with all requirements of the mediator, providing all information as required.

9.3. Where the mediator finds in favour of the student, organise a management meeting to discuss:

9.3.1. The external process and its outcome; and

9.3.2. Actions to be taken to implement the decision, including both corrective/preventative actions.

9.4. Following the meeting, agreed actions will be immediately implemented.

9.5. Advise the student of the action that GCA will take in response to the external mediator's decision.

9.6. Where the external mediator support GCA decision's regarding international students, for example, in relation to cancellation, notify DESE via PRISMS.

10. Responsibilities

10.1. Student Support Office is responsible for

10.1.1. Receipt of complaints/appeals

10.1.2. Forwarding the complaint to the Campus Manager on the next working day

10.1.3. Sending acknowledgement to the student within 10 working days

10.2. The Campus Manager is responsible for:

10.2.1. Investigating complaints and appeals

10.2.2. Making decisions about complaints and appeals in conjunction with others.

10.2.3. The GCA Manager is responsible for:

10.2.4. Investigating complaints and appeals.

10.2.5. Making decisions about complaints and appeals in conjunction with others

10.2.6. Facilitating external decisions.

10.2.7. The Administration and Student Support Officer is responsible for:

10.2.8. Processing complaints and appeals forms

10.2.9. Filing all documentation.

11. Reference Form : Complaints and Appeals Form

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