

Complaints & Appeals Policy

Institution	Clinton English
Policy Name	Complaints & Appeals Policy
Policy Governance	PEO
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1. PURPOSE

Clinton English endeavours to create a positive learning environment for students, one in which each student has the opportunity to achieve their personal best. Part of the maintenance of such a positive environment is a fair, effective and open complaints and appeals procedure made available to all students and staff.

2. DEFINITIONS

CE/The College: Clinton English

Complaint: An informal or a formal written allegation of a breach of rules, policies, service or governing regulations of The College either by a staff member or a student.

Appeal: A request that an administrative decision or a complaint outcome be resubmitted for formal review or reconsideration.

Appellant/ Complainant: A student (or staff member) who wishes to activate the complaints and appeals process.

Adjudicator: External body ([Overseas Students Ombudsman Service](#)) which student can appeal to if unhappy with The Colleges appeal decision.

Overseas Students

Ombudsman Service: External body which students can access at any time for any complaint. The external independent body students can appeal to if they are not satisfied with the outcome of a complaint ([Overseas Students Ombudsman Service](#))

3. POLICY

The College will always endeavour to provide exemplary services to its students, however, accepts that students may not deem the service received satisfactory and is entitled to lodge a complaint. The College will implement a documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information.

Therefore, The College will:

3.1 conduct the assessment in a professional, fair and transparent manner

- 3.2 commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the Complaint and Appeals policy, and finalise the outcome as soon as practicable
- 3.3 ensure 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
- 3.4 ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
- 3.5 keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome
- 3.6 provide review service by an appropriate external party (adjudicator) independent of The College to the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
- 3.7 The College will follow this policy to manage and respond to any complaints or appeals regarding:
 - a) The College, its teachers or other staff
 - b) The Colleges education agents
 - c) Any related provider The College has an arrangement with to deliver the overseas students courses
 - d) third-party contractors providing services to The College (e.g. homestay families, cleaners etc.)
 - e) another student of The College
- 3.8 Staff also have the right to avail themselves of this process.
- 3.9 The College views all complaints as an opportunity for continuous improvement.
- 3.10 The Access and Equity Policy will apply.
- 3.11 Should a student exercise their right to make a formal complaint or appeal, then their enrolment at The College will be maintained and they will be expected to continue their studies and follow the student code of conduct whilst the complaint and or appeals processes are underway.
- 3.12 All necessary information to students regarding this policy in information will be provided:
 - a) in any literature that any applicant has access to (including the website) that they may receive prior to application
 - b) as a part of the agreement between The College and the applicant
 - c) at orientation

- d) and generally available whilst a student is enrolled, Eg. on The College website
- 3.13 An internal complaints and appeals process that will be at no cost to the complainant/appellant.
- 3.14 This process is freely available to all students and may be accessed at any time.
- 3.15 The student can be supported/ accompanied by an independent person/ friend.
- 3.16 It is standard procedure that whilst a student is going through any formal complaint or appeal process that the student remains enrolled at The College and continue their studies and assessments as per normal students. However, if the complaint or appeal relates to the student being suspended or excluded as a result of a breach of the Student Code of Conduct Policy, then that suspension or exclusion shall continue until either it has expired or the result of the complaint or appeal is decided in the student's favour.
- 3.17 While The College considers that it has a fair and transparent informal and formal complaints and appeals process, should the student require it, access is available to an independent mediator to review the complaint and/or appeals process.
- 3.18 If the overseas student is not successful in the internal complaints handling and appeals process, The College 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 no cost. The College will give the overseas student the contact details of the appropriate complaints handling and external appeals body.
- 3.19 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, The College will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action
- 3.20 The College will:
- a) securely maintain records of all complaints and appeals and their outcomes, and
 - b) identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

4. RESPONSIBILITY

The PEO is responsible for the Complaints and Appeals Policy.

5. PROCEDURE

The following procedure provides students and staff the opportunity to have any issues relating to a complaint or appeal resolved amicably. Internal complaints and appeals process will be at no cost to the student or staff.

5.1 Informal Complaints

Whenever possible, those with a grievance should attempt to resolve the issue with the person/persons directly involved. For example, a student should approach their teacher in the first instance on any matters relating to their learning or assessment.

This may include advice, discussions, and general mediation in relation to the issue and the student's complaint. Any staff can be involved in this informal process to resolve issues. If, after all attempts, the issue remains unresolved then a formal complaint may be lodged.

5.2 Formal Complaints

Any student or a potential student may submit a formal complaint to The College with the reasonable expectation that all complaints will be treated with fairness, integrity and privacy. There is no cost for the complaints process. Complaints must be lodged using the Complaints Form available at Reception, or via The College website. Given below is the process that is then followed.

The process to be followed for an external appeal is documented by Overseas Students Ombudsman (OSO) who provides these services.

Timeframes for resolution

- 1) The Complaint or appeal will be acknowledged by the college, within ten [10] working days of lodgement.
- 2) The complaints and appeals commencement of assessment will commence within ten (10) working days of lodgement.
- 3) Complaints and appeals will be finalised as soon as practicable.
- 4) Lodgement of an internal appeal must be made within sixty (60) days of the complaint outcome letter or assessment decision date.
- 5) Lodgement of external appeal must comply with individual external agency criteria.

Internal appeals procedure (including appeals against assessment)

All students have the right to appeal decisions made by The College where reasonable grounds can be established. The areas in which a student may appeal a decision made by The College may include:

- a) Assessments conducted – for rules relating to assessment criteria see the ELICOS Teaching and Assessment Policy.
- b) Deferral, suspension, or cancellation decisions made in relation to the student's enrolment.
- c) Attendance or Course Progress related matters
- d) Or any other conclusion / decision made after a complaint (see above) has been dealt with by The College in the first instance.

Complaint or Appeal actions

The following actions must be completed for a complaint or internal appeal:

Action	Explanation
Review of Complaint or Appeal	Once a complaint or appeal is received (on the relevant form) and is checked for completeness, it is forwarded to the review person (identified in the categorisation table below) for review.
Cost	There will be no charge to the complainant or appellant for the lodgment or presentation of their case. Incidental expenses to attend The College campus (to lodge forms or attend a meeting) or any charges incurred (e.g. train fee, telephone etc.) will not be reimbursed.
Presentation of case	All complainants and appellants are given the opportunity to formally present their case and to be accompanied by a friend or third party to support them (and if language is an issue to help them present their case, an interpreter may also attend). The cost to accompany that friend/third party will be at their own cost (if any).
Determination	<p>The Review Person may gather evidence and constitute a review committee if they see fit.</p> <p>They will commence the process within 10 working days (target date is 5 days) of the lodgment of the complaint or appeal (and receipt of all supporting evidence) and complete the process within a reasonable period usually no more than 60 working days from lodgment.</p> <p>If further evidence is required, then the Review Person must communicate with the complainant or appellant as soon as practical and within 5 working days asking for evidence. The process will be put on hold until the evidence is received.</p> <p>The process in how a decision is reached will be advised in the written response to the complainant or appellant.</p>
Timescale	<p>The complaint or appeal will always be commenced within 10 working days of receipt of completed form and associated supporting material. See “Determination” above in relation to request of supplementary information.</p> <p>If, for some reason, there is a delay in finalizing the outcome of the complaint or appeal, The College will regularly update the complainant or appellant on the progress of the matter.</p>
Appeal following a complaint	If the complainant is not happy with the decision they may appeal. This is referred to as an “internal appeal” where a more senior manager, will review the decision. The reviewing manager will not have worked on the initial complaint lodged

	and will be independent to the initial decision. The internal appeal is on the fairness and objectivity of the decision.
Formal response to a complaint	<p>A template for a formal written response has been developed for when the complaint is accepted or rejected. This will be modified to include detailed reasoning as to the determination.</p> <p>This will include the complainant's right to access the Internal Appeals process.</p>
Internal appeal assessment	The senior manager will review the internal appeal and make an assessment based on The Colleges policies and procedures and what is in the best interest of the student. The senior manager must be objective. The process in how a decision is reached will be advised in the written response to the complainant or appellant.
Formal response to an Internal appeal	A template for a formal written response has been developed for when the internal appeal is accepted or rejected. This includes the complainant's right to access the External Appeal process. This letter will be sent within 60 days of concluding the internal review process.
External Appeal	If the complainant is still not satisfied with the internal appeal, they may lodge an external appeal with the Overseas Student Ombudsman
Documentation	All documentation relating to a formal complaint or appeal will be kept on the student file. This is to include the initial form, supporting evidence, meeting minutes, determination and copy of correspondence with all concerned parties. This information will be kept confidently and stored securely for 2 years.
Complaints and Appeals Register	All formal complaints or appeals will be recorded in the Complaints and Appeals Register.
Learning	A complaint or appeal is a learning opportunity for The College. The outcome will be seen as an input to the continuous improvement process. Any decisions that support students will be immediately implemented and preventative action will be taken to mitigate the changes of reoccurrence and student will be advised of the action taken.

5.3 Categorisation

The nature of the complaint or appeal will be categorised as follows:	Matter referred to the following:
Administrative Complaint. Complaints against the delivery of administrative and support services and facilities	Academic Manager
Academic Complaint. Complaints against teachers, assessment or teaching/delivery related matters.	Academic Manager
Student Conduct Complaint. Complaints against misconduct/ misbehaviour of students.	Teacher or Academic manager
Internal Appeal	PEO
External Appeal	Overseas Student Ombudsman

6. External appeals procedure for International Students

6.1 The purpose of the external appeals process is to consider whether The College has followed its student complaint and appeals procedure, and should only be enacted after exhausting of the internal procedures described above.

6.2 If students wish to lodge an external appeal or complaint about a decision made by the internal appeal process, the student can contact the Overseas Students Ombudsman. The Overseas Student Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students Ombudsman website or phone 1300 362 072 for more information.

6.3 The Overseas Students Ombudsman can investigate complaints about action taken by private providers in connection with overseas students. Complaints might, for example, be about:

- i) refusing admission to a course
- ii) fees and refunds
- iii) course or provider transfers
- iv) course progress or attendance
- v) cancellation of enrolment
- vi) accommodation or work arranged by a provider
- vii) incorrect advice given by an education agent.

6.4 There is no charge for lodging an appeal.

6.5 Following the receipt of the outcome of the external appeal The College will immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint.

- 6.6** If an appeal is against a College decision to report the student for unsatisfactory course progress or unsatisfactory attendance, The College will maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external appeals process is complete and has supported the provider's decision to report.
- 6.7** If an appeal is against The College's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, The College will wait for the outcome of the internal appeals process (supporting the provider) before notifying DoHA through PRISMS of the change to the student's enrolment.

7. CONTINUOUS IMPROVEMENT

A summary of all complaints and appeals received in the Complaints and Appeals Register will be presented as a part of Management Meetings for review. The purpose of this is to ensure management becomes aware of:

- a) issues that may be repeating themselves
- b) short falls in Assessment processes – either as a part of the process or in implementation (individually or collectively)
- c) students that may be vexatious in using the process
- d) common threads relating to the general management and or safety of the staff and students and the services being provided
- e) (when viewed collectively) any general adverse trend that needs correcting.