



## P6. Complaints and Appeals Policy and Procedure (International Students)

**Note due to the expected changes to the VET standards in 2023 this policy will need to be revisited.**

### 1.0 Purpose

The purpose of this policy and procedure is for Brighton Institute of Technology (BIT) to define the system for dealing with complaints and appeals involving the conduct of:

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

This policy and procedure is in line with the standards for RTOs, principally Standard 6 (clauses 6.1 – 6.6)

### 2.0 Definitions

- 2.1 **Complaint** – a statement that something is unsatisfactory or unacceptable which requires a systematic or formal resolution.
- 2.2 **Complaints can include but not limited to the following:**
- Enrolment process,
  - 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 regarding its students,
  - 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.
- 2.3 **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.
- 2.4 **External Appeal**
- A request for an independent, external review of a decision and handling of a scenario.
- 2.5 **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.

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,



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- the marketing/advertising practices of organisations claiming to be registered training organisations, or to offer nationally recognised training.

### 2.6 **Overseas Student Ombudsman (OSO) This service is only available to overseas students.**

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.

### **3.0 Responsibility**

- 3.1 The **CEO** has the responsibility for ensuring this policy/procedure is implemented and executed accurately and effectively.
- 3.2 **Management Team**
  - Handles all complaints and appeals relevant to their area of responsibility.
- 3.3 **Trainers and Assessors**
  - Operate in accordance with BIT Complaints and Appeals policy.
  - Refer any formal complaints to the relevant management member.
- 3.4 **Administration Staff**
  - Maintain the complaints and appeals register, in conjunction with the management team.



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### 4.0 Requirements

- 4.1 The handling of a complaint or appeal is to commence within ten (10) working days of complaint or appeal lodgement.
- 4.2 Where BIT considers more than sixty (60) calendar days are required to process and finalise the complaint or appeal,
  - BIT will inform the complainant or person lodging an appeal in writing, including reasons why more than 60 calendar days are required, and
  - Regularly update the complainant or person lodging an appeal on the progress of the matter
- 4.3 BIT maintains a written record of all complaints and appeals inclusive of all details, lodgement, response/s and resolution.
- 4.4 A formal complaint or appeal will be at zero cost to the complainant/appellant.
- 4.5 The complainant/appellant may be accompanied by a support person at any relevant meeting.
- 4.6 The complainant/appellant will have appropriate access to his/her records, following the BIT Records Management Policy.
- 4.7 The complainant/appellant will receive a written statement of the decision made, including details of the reasons behind the decision.
- 4.8 The complainant/appellant will have the opportunity to access a body independent of BIT to review his/her complaint or appeal following the internal BIT process.
- 4.9 BIT will maintain the enrolment of the complainant/appellant during the Complaints and Appeals process.
- 4.10 Decisions or outcomes in the favour of the complainant/appellant shall be implemented immediately.
- 4.11 Complaints and appeals to be handled in the strictest of confidence.
- 4.12 Complaints and appeals are to be considered based on procedural fairness and lead to opportunities for improvement. All such incidents will be seen as contributing to opportunities for Continuous Improvement.
- 4.13 **Academic complaints:** Any learner who believes they have been marked unfairly has the right to request a reassessment. This reassessment will be overseen by the Training and Compliance Manager and will result in either the upholding or overturning of the assessment result. Should the learner still believe that the result is unfair they have the right to access the complaint procedure outlined above.

### 5.0 Informal Complaint Procedure

- 5.1 The initial stage of any complaint or feedback will be when the client directly communicates with the relevant BIT staff member and raises the issue/s at hand.
- 5.2 The BIT staff member will attempt to provide a solution to the issue presented.
- 5.3 If the client is dissatisfied with the solution presented, they may initiate the formal complaint process.

### 6.0 Formal Complaint or Appeal Procedure

- 6.1 The informal complaint procedure must be explored first.



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- 6.2 A formal Complaint or Appeal form must be completed. This form is made publicly available and can be found online [www.bit.edu.au](http://www.bit.edu.au) or at the BIT reception.
- 6.3 The form can be lodged using any one of the following methods.
- In person**
- Level 1, 380 Bourke St, Melbourne VIC 3000  
(Reception or relevant Management Member)
- By Email**
- [info@bit.edu.au](mailto:info@bit.edu.au)
- By Mail**
- Level 1, 380 Bourke St, Melbourne Vic 3000
- 6.4 Once a complaint or appeal is received, the CEO will convene an independent panel to hear the complaint; (the complaint and appeals committee).
- 6.5 The independent panel shall not have had any previous involvement with the complaint or appeal. This panel will include representatives of:
- The CEO
  - A member of the teaching staff
  - A member from the administration team
- 6.6 The client will be contacted within Ten (10) working days of the complaint being received and a time will be organised for them to attend a meeting with the complaint committee.
- 6.7 The CEO will seek approval from the complainant/appellant and member of staff to have both parties present at this meeting.
- 6.8 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.
- 6.9 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.
- 6.10 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.
- 6.11 The complaints and appeals committee will review all evidence presented at the meeting and decide regarding the complaint or appeal.
- 6.12 This decision will be communicated to all parties involved within five (5) working days of making the decision in the form of a letter.
- 6.13 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 and must be made within 10 working days of receiving outcome of original complaint. BIT must be informed immediately if a complaint is to be escalated to an external body.

The following people/organisations are available:

**1. Overseas Student Ombudsman**

**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>.



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**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](http://www.iprelay.com.au) and then ask for 1300 362 072.

**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**

<https://www.asqa.gov.au/complaints/getting-started-making-complaint-about-training-provider>  
or <https://www.asqa.gov.au/report-tipoff>

Before submitting a complaint to Australian Skills Authority (ASQA) the complainant needs to exhaust the Brighton Institute of technology Complaint, Appeals Policy, and Procedure.

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

### 3. **Contact a solicitor; or**

Contact Level 1/555 Bourke St, Melbourne VIC 3000 and telephone 9602 5000 for a referral to a solicitor.

- 6.14 The root cause of any complaint or appeal will be included into BIT continuous improvement processes to ensure all quality processes are effective.



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### Student complaint rectification flowchart

