



Student Complaints and Appeals Policy

[National Code 2018 Standard 10]

Purpose

The purpose of this procedure is to define the system available to students for dealing with student complaints and appeals.

Responsibility

The Student Services and Administration Manager is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

Requirements

1. This procedure is designed to enable complaints to be made and resolved involving any or all of:
 - a) the RTO, its trainers, assessors or its education agent or any related party the College has an arrangement with to deliver the overseas student's course or related services
 - b) a learner of Rosehill College
2. Students who are concerned about the conduct of Rosehill College are encouraged to attempt to resolve their concerns using this procedure.
3. The procedure will be implemented at no cost to the student.
4. The procedure will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information.
5. Where Rosehill College considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:
 - Informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
 - Regularly updates the complainant or appellant on the progress of the matter.
6. All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
7. All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.
8. Students will be provided with details of external authorities they may approach, if required.
9. At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
10. Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
11. For complaints and appeals:
 - The student will have an opportunity to formally present their case, in writing or in person at no cost to the student.
 - The student may be accompanied and assisted by a support person at any relevant meetings.



- Students will be notified in the event that any complaint or appeal will take longer than 60 days to finalise.
 - At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.
12. The following matters must be lodged as formal internal appeals within 20 working days of notification in order to be considered by Rosehill College.
 - Deferral of commencement, suspension or cancelling a student enrolment
 - Non achievement of satisfactory course progress
 - Non achievement of course attendance requirements
 13. A student's enrolment must be maintained whilst a complaint, internal appeal and external appeal is in progress and the outcome has not been determined except in cases where Rosehill College is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment. (see the next requirement)
 14. In cases where Rosehill College is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment Rosehill College only needs to await the outcome of the internal appeals process (supporting Rosehill College before taking the action unless extenuating circumstances relating a student's welfare apply.
 15. Extenuating circumstances' relating to the welfare of the student must be supported by appropriate evidence and may include, but are not limited to the student:
 - having medical concerns, severe depression or psychological issues which lead Rosehill College to fear for the student's well being;
 - having engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
 - being at risk of committing a criminal offence
 16. The College will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by Rosehill College.
 17. If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the CEO) to Rosehill College Management Group meeting so the matter can be recorded in Rosehill College Complaints Register and be used as part of the continuous improvement activities of Rosehill College.
 18. Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to:
 - Contact a solicitor; or
 - Contact the Legal Aid NSW on 1300 888 529 for information about your legal



problem and contact details for services that might be able to assist you.

Method

Informal Complaint Process

1. Any student with an issue, question or complaint may raise the matter with staff of Rosehill College and attempt an informal resolution of the question or complaint.
2. Students with an issue, question or complaint can arrange a meeting to discuss the matter with one of the following Rosehill College staff members who are responsible to try and resolve the issue, question or complaint with the student:
 - CEO
 - Student Services & Administration Manager
 - Marketing Manager / Student Services Officer
 - Director of Studies
 - Trainer
3. The staff member will try and resolve the complaint at the meeting or if required investigate the matter and then arrange another meeting with the student to discuss the outcome of investigation and offer a solution if appropriate.
4. Students who are not satisfied with the outcome of their discussion of the issue, question or complaint are encouraged to register a formal complaint (see below).

Formal Complaint Process – preamble

1. The formal complaint process will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information.
2. A maximum time of 10 working days from the commencement of the formal complaint process will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
3. Formal complaints must be lodged using the Student Complaint Form which is available from the Rosehill College website or from the Trainer or the Student Services & Administration Manager.
4. Formal complaints must be recorded in the Rosehill College Complaints Register.

Formal Complaint Process – general complaints

1. Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so at any time by.
 - Obtaining a copy of the Student Complaint Form by either downloading from Rosehill College website or from the Trainer or Student Services & Administration Manager.
 - Completing the Student Complaint and Appeals Form.
 - Lodging the Student Complaint and Appeals Form with the Student Services & Administration Manager in person or by email.
2. The Student Services & Administration Manager will arrange for the complaint to be entered on Rosehill College complaint register and meet with the student to discuss the complaint with the student.



3. During the formal complaint process:
 - Students will have an opportunity to formally present their case to the Student Services & Administration Manager, in writing or in person at no cost to the student.
4. Students may be accompanied and assisted by a support person at any meetings involving the complaint.
5. Complaints can only be dealt with by the Student Services & Administration Manager. Whoever does hear the complaint must not be the subject of the complaint and cannot be involved in subsequent appeal hearing.
6. The role of the Student Services & Administration Manager is to:
 - Assist the student to register their formal complaint.
 - Ensure the resolution phase commences within 5 working days of the written complaint being lodged.
 - Provide the student, or the student's representative, with an opportunity to present their complaint.
 - Ensure the student's complaint is fully understood.
 - Work with the student to identify how the complaint can be resolved to their satisfaction
 - Consult and negotiate with the all parties involved with the complaint in order to obtain their commitment and agreement to the proposed solution.
 - Formally document the resolution to the complaint including reasons for the method of resolution and provide the student with a written copy of the document.
 - Arrange for the proposed resolution to be signed off by the student.
 - Monitor the implementation of the resolution to ensure that all parties adhere to the agreed resolution.
 - Ensure that the details of the complaint are recorded in Rosehill College Complaints Register and reported to Rosehill College Monthly Management Group meetings for continuous improvement purposes.
 - Advise the student to take the complaint to appeal if a resolution cannot be agreed upon.
7. Any complaint raised by a student that the Student Services & Administration Manager considers may be a traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury must be reported to the Rosehill College CEO, or the most senior person available, and will trigger implementation of the critical incident procedure.

Formal Complaint Process – notice of intention to report by Rosehill College

1. The following matters must be lodged as formal complaints within 20 working days of notification in order to be considered by Rosehill College.
 - Notice from Rosehill College of an intention to defer commencement, suspend or cancel a student enrolment.
 - Notice from Rosehill College of its intention to report a student for not achieving satisfactory course progress.



- Notice from Rosehill College of its intention to report a student for not achieving course attendance requirements.
2. Complaints arising from a notice of intention to report by Rosehill College must be lodged using the Formal Complaints Procedure outlined above.
 3. It is the responsibility of the Student Services & Administration Manager to ensure that for complaints arising from a notice of intention to report by Rosehill College the resolution phase commences within 5 working days of the written complaint being lodged.
 4. Complaints arising from a notice of intention to report by Rosehill College will be heard by a Panel of 3 selected from the Student Services & Administration Manager, a Director of Studies and a member of the teaching staff of Rosehill College. No member of the panel is to have been involved in making the decision to issue the notice of intention to report.
 5. During the formal complaint process:
 - Students will have an opportunity to formally present their case to the Complaints Panel, in writing or in person, at no cost to the student.
 - Students may be accompanied and assisted by a support person at any meetings involving the complaint.
 - An electronic copy of the “record of discussion” will be uploaded on Student file.
 6. The role of the Complaints Panel is to:
 - Ensure the resolution phase commences within 5 working days of the written complaint being lodged
 - Provide the student, or the students representative with an opportunity to present their complaint to the Complaints Panel
 - Consider the evidence that Rosehill College holds which lead to the issuing a notice of intention to report
 - Consider the evidence presented by the student or the students representative
 - Ensure they fully understand the complaint and the matters raised by the student or the student’s representative
 - Review all the evidence and information provided by the student or the student’s representative and Rosehill College
 - Consider if there are any applicable extenuating circumstances supporting the students case
 - Make an independent decision, based on the evidence, to either support the student’s case and cancel the notice of intention to report or support Rosehill College case and proceed with the Intention to report
 - Within 48 hours of making its decision the panel must have formally documented the decision of the panel including reasons for the decision and convey the written decision and reasons for the decision to the student
 - Advise the student to take the complaint to appeal if they are not satisfied with the decision

Formal Complaint Process – finalisation



1. At the end of the resolution phase the Student Services & Administration Manager will report the decision in writing to the student within 5 working days. Rosehill College's decision and reasons for the decision will be documented by the Student Services & Administration Manager and placed in the student's file. A copy of this document will be provided to the student.
2. Following the resolution phase, Rosehill College will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint.
3. If there is any matter arising from a student formal complaint that is a systemic issue which requires improvement action this will be reported in writing (via email to the CEO) to the Rosehill College Management Group meeting so the matter can be recorded in the Rosehill College Complaints Register and be used as part of the continuous improvement activities of Rosehill College.
4. Students who are not satisfied with the outcome of the formal complaint are encouraged to appeal against the Rosehill College decision using the Internal Appeal Process.

Internal Appeal Process - preamble

1. Internal appeals may arise from a number of sources including appeals against assessment, appeals against disciplinary actions, appeals against notification of an intention to report a student to Department of Education or the Department of Home Affairs, and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student for Rosehill College to reconsider a decision it has made.
2. Students who are not satisfied with the outcome of a formal complaint or wish to appeal a decision made by Rosehill College are encouraged to appeal against the Rosehill College decision by:
 - Obtaining a copy of the Student Complaint and Appeal Form by either download from Rosehill College website or from Student Services & Administration Manager.
 - Completing the Student Complaint and Appeal Form.
 - Lodging the Student Appeal Form with the Student Services & Administration Manager in person or by email.
1. A student's enrolment will be maintained whilst an appeal is in progress and the outcome has not been determined.
2. The appeal resolution phase must commence within 5 working days of the internal appeal being lodged in writing, and student will be given acknowledgement in writing as an evidence for the lodgement of the Student Complaint and Appeal Form.
3. A maximum time of 10 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.

Internal Appeal Process - general

1. Internal appeals (except assessment appeals) will be heard by a 3-person panel



selected from the Rosehill College CEO, the Student Services & Administration Manager, the Director of Studies and including a member of the teaching staff of the Rosehill College (the Appeals Panel). No member of the Appeals Panel is to have been directly involved in the complaint leading up to the appeal.

2. The role of the Appeal Panel is to:
 - Ensure the appeal phase commences within 5 working days of the written appeal being lodged
 - Provide the student, or the student's representative with an opportunity to present their appeal to the Appeal Panel
 - Ensure they fully understand the student's appeal
 - Review the evidence and information provided by the student, or the student's representative, and Rosehill College
 - Make an independent decision, based on the evidence, to either support the student's appeal and reverse the decision by Rosehill College that lead to the appeal or to support the Rosehill College case and proceed with the original decision by Rosehill College
 - Arrange for the decision to be signed off by the student and the CEO (this is not agreement by the student but to record that the decision has been transmitted to the student)
 - Within 48 hours of making its decision the Appeal Panel must have formally documented the decision of the panel including reasons for the decision and convey the written decision and reasons for the decision to the student

Internal Appeal Process - assessments

1. Students appealing an assessment decision (including RPL) will be given the opportunity for reassessment by a different assessor selected by Rosehill College. Costs of reassessment will be met by Rosehill College.
2. Where a student wishes to appeal an assessment they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
3. If this is still not to the student's satisfaction the student shall formally lodge an appeal by submitting the Complaints and Appeal Form outlining their reasons for the appeal. They shall lodge this with reception / student administration's department.
4. The 'Director of Studies' shall be notified and shall seek details from the assessor involved and any other relevant parties and make appropriate notes in Complaints and Appeals logbook. A decision shall be made regarding the appeal either indicating the original assessment decision stands or details of a possible reassessment by a 'third party'. The third party shall be another assessor appointed by the Rosehill College.
5. The student shall be notified in writing of the outcome and the 'complaints and appeals logbook' updated.



Internal Appeal Process – finalisation

1. The outcome of an internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and Rosehill College and placed in the student file. A copy of this document will be provided to the student.
2. Following the internal appeals phase Rosehill College will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint through the Rosehill College continuous improvement process.
3. If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the CEO) to the Rosehill College Management Group meeting so the matter can be recorded in the Rosehill College Complaints Register and be used as part of the continuous improvement activities of Rosehill College.
4. There are no further avenues within Rosehill College for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available.
5. Students who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal using the process described below.

External Appeal Process

1. Students who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal by:
 - Obtaining a copy of the Student Appeal Form by either download from Rosehill College website or from the Trainer or Student Services & Administration Manager.
 - Completing the Student Appeal Form and selecting the External appeal option on the form.
 - Lodging the Student Appeal Form with the Student Services & Administration Manager via in person or email.
2. The purpose of the external appeals process is to consider whether Rosehill College has followed its student complaint and appeals procedure, not to make a decision in place of Rosehill College. For example, if a student appeals against his or her subject results and goes through the Rosehill College internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.
3. For external appeals the independent mediator will be the Overseas Student Ombudsman (for overseas students) phone (02) 6276 0111. Rosehill College will pay for costs of mediation.
4. The external appeals procedure will be determined by the Overseas Student Ombudsman (for overseas students) phone (02) 6276 0111.
5. The National Training Complaints Hotline is accessible on 13 38 73 (Monday to Friday from 8am to 6pm nationally) or via email at skilling@education.gov.au.
6. Following the receipt of the outcome of the external appeal Rosehill College must 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.

7. If an appeal is against a College decision to report the student for unsatisfactory course progress, Rosehill College must maintain the student's enrolment until the external appeals process is complete and has supported Rosehill College's decision to report.
8. If an appeal is against a College decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment Rosehill College only needs to await the outcome of the internal appeals process (supporting Rosehill College before taking action to change to the student's enrolment).

Related website and documentation

- National Code 2018, Standard 8 Complaints and Appeals; Explanatory Guide, located at <https://www.legislation.gov.au/Details/F2017L01182>
- Student Code of Practice – available on our college website www.Rosehillcollege.edu.au and on student LMS at www.portal.Rosehillcollege.edu.au
- Administrative Appeals Tribunal (AAT): www.aat.gov.au
- Australian Skills Quality Authority (ASQA): www.asqa.gov.au
- Commonwealth Department of Education and Training: http://studyassist.gov.au/sites/studyassist/helpfulresources/pages/student_complaints
- New South Wales Ombudsman: www.ombo.nsw.gov.au
- Office of the Australian Information Commissioner (OAIC): www.oaic.gov.au
- Overseas Student Ombudsman (OSO): www.oso.gov.au