



Complaints and Appeals

Terms and Definitions

- a) **Grievance** - a grievance is a concern about academic matters, perceived discrimination, a situation, a process, a person or people, a facility or a support service provided by the College, which the student brings to the attention of the College in an informal way, i.e. it is spoken about, not written down.
- b) **Complaint** - a formal complaint takes place if a grievance cannot be resolved informally (for example, the affected parties discussing the matter), and is written down for official processing.
- c) **Complainant** - student or potential student lodging the grievance or complaint.
- d) **Assessment Appeal** - neither a grievance nor a complaint is about dissatisfaction in relation to an assessment process or outcome; that is an Assessment Appeal. Refer to Assessment Appeals Policy and Procedure for further information.
- e) **Appeal** - if a student is dissatisfied with a decision made by the College, he/she has twenty (20) working days from the date stated within the written notification in which to lodge an appeal to have the case reviewed. This includes decisions relating to complaints outcomes and assessment appeals, as well as notifications of unsatisfactory academic progress, unsatisfactory attendance, misbehaviour, refusals of transfer applications, and/or pending cancellation of enrolment.

Policy

A complaint can be defined as a person's expression of dissatisfaction with any aspect of the College's services and activities. A complaint may be an expression of dissatisfaction with:

- a) **Academic matters** such as the provision of training and assessment within a VET course of study, including quality of teaching, classroom issues, availability and standard of instructional resources, course content, student progress, scheduling, training facilities and discrimination; and
- b) **Non-academic matters** relating to the provision of support services such as those associated with the enrolment process, bursar functions, job placement assistance, handling of personal information and access to personal records.
- c) The College is committed to maintaining an effective, timely, fair and equitable complaint handling system which is easily accessible and offered to complainants at no charge for internal review of a complaint or appeal, and at a reasonable cost for the external review of an appeal. This system can be utilised by eligible students, including potential students enrolled or seeking to enrol in a VET course of study with the College, to submit a complaint of an academic or non-academic nature.

The College aims to:

- a) Maintain a culture that views complaints as an opportunity to improve the organisation and how it works;
- b) Operate a complaints handling system that is client-focussed and helps the college to prevent complaints from recurring;
- c) Ensure that any complaints are resolved promptly, objectively and with sensitivity and in complete confidentiality;



- d) Ensure that there is a consistent response to complaints.

Students or potential students are entitled to access the Complaints and Appeals process regardless of the location of the campus at which the grievance has arisen, their place of residence, or the mode in which they study. However, the College is unlikely to consider a complaint from a former student whose enrolment was finalised six (6) months or more prior to the time of lodging the complaint unless special circumstances apply.

The dispute resolution process described in this policy DoEs not prevent an overseas student from exercising the student's rights to other legal remedies.

Complaints and Appeals Procedure

General Information

All students or potential students can access the four (4) stages of the Complaints and Appeals procedure. During each stage the College will take all possible steps to ensure that:

- a) The complainant and the respondent will not be victimised or discriminated against;
- b) The complainant has an opportunity to formally present his/her case and each party to the complaint may be accompanied and assisted by a support person at any internal meetings, including an internal case review;
- c) Detailed written explanations are provided of decisions and actions taken as part of the process;
- d) Where the internal or external complaint handling or appeal process result in a decision that supports the complainant, the College immediately implements any decision and/or corrective and preventive action required and advises the complainant of the outcome in writing.

There is no cost to the complainant for utilising the internal complaints and appeals process; however, there is a specified cost for utilising the external part of the process.

The name of the CEO, and where he/she can be found on campus, is displayed on the noticeboards and readily obtainable from Student Services.

Stage 1: Resolving Grievances

Students or potential students are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk honestly to the trainer about his/her concerns and issues about fees should be discussed in the first instance with Administration.

If the student or potential student has attempted to resolve the issue directly, but is not satisfied with the outcome or DoEs not wish to approach the person(s) concerned directly, then he/she may discuss the issue with the CEO. He/she may be accompanied or assisted by a support person during this process.

The CEO will consider the issue and may either suggest a course of action to resolve the issue, or attempt to mediate between the complainant and the person(s) concerned.

Within fourteen (14) days of receiving the grievance, the CEO will provide the complainant and any other person(s) directly concerned with a written report summarising the actions that were taken, or will be taken, to resolve the issue.

If the complainant is not satisfied with the outcome, a formal complaint can be lodged under this policy.



Stage 2: Lodging a Formal Complaint

To commence the formal process, the complainant must complete a *Complaint, Grievance, Appeal Form* (available from Administration) or write a letter and send it to the Registrar at the College.

The following information needs to be provided in writing:

- a) Details of the complaint;
- b) Supporting information that the complainant wishes to have considered;
- c) An explanation of the steps already taken to try to resolve the complaint informally and why the responses received are not considered satisfactory; and
- d) What the complainant thinks needs to be done to address his/her concerns.

The Registrar will commence the process of considering the complaint within ten (10) working days of receiving the written Complaint Lodgement Form or letter, and will acknowledge receipt of the complaint in writing to the complainant. He/she will ensure all steps are taken to resolve the complaint as soon as is practical.

What happens then?

In considering the complaint, the CEO will arrange a meeting with the complainant to enable formal presentation of the case. The complainant may be accompanied or assisted by a support person at any such meeting.

The complaint will be investigated by the CEO who will discuss the issues with the person(s) concerned, and may confer with the relevant staff. If the CEO considers that the complaint is upheld, a recommendation will be made to the Campus Director of Studies.

If the Campus Director of Studies agrees, then he/she will immediately notify relevant staff to implement the actions required to resolve the complaint. The complainant will be provided with a written report of the steps taken to address the complaint within twenty (20) working days of the commencement of the complaint process.

If the complaint is not upheld, then the complainant will be given a written explanation detailing the reasons for that decision. The complainant will also be advised of his/her right to access the internal appeals process if not satisfied with the outcome of the formal complaint.

The Grievance Counsellor will retain a written record of the complaint and its outcome.

Stage 3: Lodging an Internal Appeal

If a student is dissatisfied with a decision made by the College, he/she has twenty (20) working days from the date nominated in the written notification by the College in which to lodge an Internal Appeal to have the case reviewed at no cost to the student. This includes decisions relating to the outcomes of complaints and assessment appeals, as well as notifications of unsatisfactory course progress, misbehaviour, refusal to provide a Letter of Release, and/or pending cancellation of enrolment by the College.

Appeals should be lodged in writing on an *Complaint, Grievance, Appeal Form*, available from the CEO, or in a letter.

The appeal will be considered by the CEO (or nominee), who may decide:

- a) To make a determination based on the information provided;
- b) To establish an internal case review panel; or



- c) That there are insufficient grounds to take further action, thus concluding the consideration of the matter under these internal appeals procedures.

The student will be advised in writing of this decision and the reasons for it. If the decision is for an Internal Case Review Panel, the student will be informed of the membership of that panel, and the procedure to be followed, at least fourteen (14) working days in advance of the review date.

The Internal Case Review Panel will consist of the CEO or his/her nominee (in the Chair), a Program Co-ordinator (for a VET course of study other than the one in which the student is enrolled) or his/her nominee, and another senior member of the College staff (who is not one of the student's teachers).

The review will be conducted in private and all relevant facts will be taken into consideration. The student may attend and be accompanied by a friend or representative who may speak and act on his/her behalf, including providing evidence. If the complaint involves another person(s), they will also be invited to present their case to the panel. A written record of the meeting will be taken.

The student will be notified of the decision of the Internal Case Review Panel in writing within five (5) working days of the decision. If the appeal is upheld he/she will be informed of the action to be taken to resolve the matter. The College will immediately implement any decision and/or action required.

If the complaint is not upheld, then he/she will be given a written explanation including the reasons for that decision, and advising of his/her right to access the external appeals process if not satisfied with the outcome of the Internal Appeal.

Stage 4: External Case Review

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection Laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

International Students

International students who wish to lodge an external appeal or complain about a decision made by the College, can contact the NSW Ombudsman. This is a free and independent service for overseas students.

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Complaints: [ONLINE COMPLAINT FORM](#)

Web: www.ombo.nsw.gov.au

Email: nswombo@ombo.nsw.gov.au

Fax: 02 9283 2911

An overseas student, who is seeking assistance to resolve a dispute with Westminster College, should first exhaust the College's internal dispute resolution process.

Appeals against Cancellation Of Enrolment

The reporting of an international student has serious consequences for the student's visa – it may result in its automatic cancellation. Therefore, if the appeal is against the College's decision to report the student for unsatisfactory academic progress or financial delinquency the College will not report the student until the External Case Review process is complete, and findings have supported the College's decision. If the appeal is against the College's decision to:



- a) Defer or suspend a student's enrolment due to misbehaviour, or
- b) To cancel the student's enrolment due to misbehaviour,

The College will only wait for the outcome of the internal appeals process to ensure it supports the College, before notifying the Department of Education of the change to the student's enrolment status.

Once DEEWR has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:

- a) Leave Australia; or
- b) Show the Department of Immigration and Border protection (DIBP) a new Confirmation of Enrolment; or
- c) Provide DIBP with evidence that he or she has accessed an external appeals process.

Monitoring

Without breaching confidentiality, all formal complaints and their associated responses and outcomes will be monitored by the CEO (or nominee).

Record Keeping and Confidentiality

Records of all complaints handled under this procedure and their outcomes will be maintained for a period of at least five (5) years to allow all parties to the complaint appropriate access to these records, upon written request to the CEO. Records of complaints will be maintained at the last campus at which the student studied or in the case of prospective students at the campus to which he/she applied.

All records relating to complaints and their outcomes will be treated as confidential and will be kept in a separate file in a secure environment in accordance with the College's Records Management and Privacy and Personal Information Policies and Procedures.

Publication

This Policy and Procedure will be disseminated by publication in the *Student Handbook* and on the College's website ([.www.westminster.nsw.edu.au](http://www.westminster.nsw.edu.au)). This Policy and Procedure will also be discussed at Student Orientation.

For the purposes of communicating to and training staff, this Policy and Procedure will form part of the induction process.