

COMPLAINTS AND APPEALS POLICY

Educare College ensures that all stakeholders including students have access to a fair, equitable and efficient complaints and appeals process.

The definition of a **complaint** is

- An individual's expression of dissatisfaction with any service provided to them.
- Educare College 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.

The definition of **Appeal** is

- a request to review a decision that has previously been made.

Students are initially encouraged to resolve concerns or difficulties with the person concerned before it becomes a formal complaint.

If a student is dissatisfied with the outcome of a decision, they may access an independent external body as required and as described in the External Appeals section of this document.

Internal complaints and appeals will incur no costs to the student. Educare College will ensure that prompt decisions will be made to ensure a student's visa will not be restricted and affect the student's stay in Australia. The Principal Executive Officer is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

Written agreements with the student and the availability of complaints and appeal processes, does not remove the right of the student to take action under Australia's consumer protection laws. This policy is applicable to all complaints and appeals made by students irrespective of the reason for the initial decision.

Informal Complaints Procedure

In the first instance, students are encouraged to try and resolve concerns or difficulties directly with the person involved. However, if the student is not comfortable with this approach or this approach is not possible for any reason, students may raise the matter with any Educare College staff member. If students are not satisfied with the outcome of the informal process they may register a formal complaint.

Formal Complaint Procedure

To register a formal complaint a student must complete the Student Complaint Form and contact the Student Management Officer to arrange a meeting. Formal complaints can be emailed to: complaints@educare.edu.au or phone: +61 07 3726 5399. At this meeting, the complaint can be discussed and a resolution attempted. The student may be accompanied and assisted by a support person at this meeting.

If a student is dissatisfied with the outcome of this meeting, then the student will have an opportunity to formally present their case (at no cost to the student), in writing or in person to the Compliance and Training Manager of Educare College.

The complaint is recorded in writing by completing the student complaint form prior to the meeting or a new document can be prepared and signed during the meeting. The Compliance and Training Manager will endeavour to resolve the complaint with the student and any other parties who may be involved.

The resolution phase will commence within 10 working days of the complaint being lodged in writing. A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. Where it is expected that the complaint resolution may take more than 60 days, Educare will advise the student accordingly and continue to provide the student with progress updates of the process.

At the point of resolution, the Compliance and Training Manager will provide a written statement of the outcome, including the details of the reasons for the outcome by letter or email to the student (last known address). Educare College decision and reasons for the decision will be documented by the Compliance and Training Manager and placed in the student file.

Internal Appeals Procedure

Internal appeals may arise from many occurrences including but not limited to: appeals against assessment outcomes; appeals against disciplinary actions; and appeals against decisions arising from complaints. Generally, an appeal is a request by a student to reconsider a decision made by Educare College.

Students have the right to appeal decisions that they consider to be unfavourable and/or unreasonable; or where Educare College's intention is to report the student due to the following:

- Unsatisfactory academic progress
- Unsatisfactory attendance
- Non-payment of fees
- Other matters related to a student's program of study at Educare College.

Students lodging an appeal must outline the decision and reasons for the appeal, including any compassionate or compelling circumstances, and may provide documentary evidence in support of their appeal. Appeals must be received within the timeframe specified above.

Students must submit their appeal in writing for consideration by an Appeals Committee, consisting of the Principal Executive Officer, and 2 other persons (such as relevant training and/or content expert, industry representative) not directly involved in the initial decision/assessment.

Where a student attends any meeting as part of the appeals process, the student has the right to be accompanied and assisted by a support person.

Students have up to 20 business days to lodge an internal appeal against Educare College's formal notification of intent to report the student.

Internal appeals for any other decisions related to a student's program of study at Educare College must be lodged within 5 business days of the date the decision was communicated to the student in writing. If an internal appeal is not lodged within the specified timeframe, the decision will stand.

All documentation lodged must be original documents or certified copies, no photocopies or facsimiles will be accepted.

A student's enrolment will be maintained and students are required to attend all classes during an internal appeals process. However, in circumstances where a student is issued with a letter of intent to report for non-payment of fees, the student may be excluded from the classes until all overdue fees are paid in full.

When a student is reported for **Unsatisfactory Course Progress**, Educare College will maintain the enrolment of the student, which means Educare College does not notify DET of any change to the student's enrolment status through PRISMS until both an internal and external appeal (if required) is complete which may support the Educare College decision to report.

The appeal resolution phase will commence within 10 working days of the internal appeal being lodged in writing. A maximum time of 30 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.

Students appealing an assessment or RPL outcome will be given the opportunity for reassessment by a different assessor selected by the Compliance and Training Manager with the costs of reassessment met by Educare College.

The student will be provided with a written statement of the outcome of the internal appeals process within 5 business days of the appeal hearing, including details of the reasons for the outcome, and any actions to be undertaken.

The outcome of the internal appeal and reasons for the outcome will be recorded in writing, signed and dated by the student and the Principal Executive Officer and placed in the student file.

When the complaint handling and appeal process results in a decision that supports the student, Educare College will immediately implement any decision and or corrective and preventative action required and advise the student of the outcome.

External Appeals

If a student is not successful in the Educare College's internal complaints handling and appeals process, the College will advise the student within 10 working days of concluding the internal review of the overseas student's right to access an external complaint handling and appeals process at minimal or no cost. Educare College will nominate an independent external person or organisation to hear the complaint and propose a final resolution. This person or body will not be the same as any person or body that heard the original complaint.

The purpose of an external appeal process is to consider whether Educare College has followed the correct policies and procedures in making the appeal decision but is not to review the decision **previously made by** Educare College. Students who wish to have their case heard by an external body, must notify the Principal Executive Officer of their External Appeals lodgement detail within 5 business days from the date on the written notification of the outcome of the student's internal appeal.

If an appeal is lodged regarding Educare College's decision to report the student for unsatisfactory course progress or unsatisfactory attendance, Educare 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.

If an appeal is lodged regarding Educare College's decision to suspend or cancel a student's enrolment or suspend a student's enrolment due to misbehaviour, Educare College only needs to await the outcome

of the internal appeals process (supporting the provider) before notifying DET through PRISMS of the change to the student's enrolment. Once DET has been notified of a suspension or cancellation of a student's enrolment, the student has 28 days in which to either leave Australia, provide Department of Immigration and Border Protection (DIBP) with evidence that he or she has accessed an external appeals process or show DIBP a new Confirmation of Enrolment (CoE).

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 legal representative and will incur all costs of this action.

Ombudsman:

The Overseas Students 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 www.oso.gov.au, email ombudsman@ombudsman.gov.au or phone 1300 362 072 for more information.

The Overseas Students Ombudsman will investigate complaints at no cost to the provider or student.

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

- refusing admission to a course;
- fees and refunds;
- course or provider transfers;
- course progress or attendance;
- cancellation of enrolment;
- accommodation or work arranged by a provider;
- incorrect advice given by an education agent.

The Queensland Ombudsman's office may take several weeks to investigate the student's appeal. Should international students have concerns regarding their student visa during this time, they should seek advice from the Department of Immigration and Border Protection (DIBP).

