



Skilled Up Institute

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RTO Number: 40471 | CRICOS Code: 03666M

Complaint & Appeal Policy and Procedure

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Complaint and Appeal Policy and Procedure

1. Purpose

This policy establishes principles and processes of complaint by international students studying VET courses and appeals against decisions. It allows Skilled Up (SKUP), as the registered provider, to meet its legal obligations and furthermore provides a system to meet the standards that govern this policy under ESOS Act and National Code 2018 standard 10, along with Standards for RTO 2015.

Statutory and regulatory compliance

- Standards for RTOs 2015
 - Clause 6.1 – 6.6
- National Code 2018
 - Standard 8 – course progress
 - Standard 10 – complaint and appeal

2. Scope

1. The CEO/RTO Manager is responsible for the implementation of this policy and procedure to ensure that staff are aware of its application and implement its requirements

3. Policy

- 3.1. Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using this policy.
- 3.2. The procedure will be implemented at no cost to the student.
- 3.3. The procedure will commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable. The complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome.
- 3.4. All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
- 3.5. 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.
- 3.6. Students will be provided with details of external authorities they may approach, if required
- 3.7. 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. A complaint may be in relation to another student, RTO staff, RTO management or any matter in relation to studying at Skilled Up Institute. An appeal may be in relation to any decision made by Skilled Up Institute that impacts the student

3.8. For internal 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.

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.

3.9. The following matters must be lodged a formal internal appeal within 20 working days of notification of an intention to report the student to Department of Home Affairs (DoHA) in order to be considered by the College

- Deferral of commencement, suspension or cancelling a student enrolment
- Non-achievement of satisfactory course progress

3.10. 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 the provider is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment. (See the next requirement)

3.11. In cases where the provider is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment the provider only needs to await the outcome of the internal appeals process (supporting the provider) before notifying Department of Education and Training through PRISMS of the change to the student's enrolment unless extenuating circumstances relating a student's welfare apply.

3.12. 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 the provider to fear for the student's wellbeing;
- 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

3.13. If there is any matter arising from a student's 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 Skilled Up Institute Management Group meeting so the matter can be recorded in the Skilled Up Institute Complaints Register and be used as part of the continuous improvement activities of the Skilled Up Institute.

3.14. 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 Law Institute of Victoria, 470 Bourke St Melbourne 3000, telephone 9602 5000 for a referral to a solicitor.

3.15. Resolution Time Frame.

- Formal Complaints:

All formal complaints will be responded to efficiently to ensure an effective resolution within a reasonable timeframe. Skilled Up Institute (SUI) will acknowledge and start the process within 10 working days upon receiving a complaint. SUI will Endeavor to resolve formal complaints within twenty (20) working days upon receipt of the formal complaint. However, in some cases, particularly if the matter is complex, the resolution may take longer, but not more than 45 working days, in which case students will be advised of an extended timeframe.

Students may appeal the outcome of the complaint or grievance process to the Complaints and Appeals first internally and if SUI not able to resolve the student issue, student can appeal to the external.

- Appeals:

All appeals will be responded to efficiently to ensure an effective resolution within a reasonable timeframe. Skilled Up Institute Complaints and Appeals will acknowledge and start the process within 10 working days upon receiving the appeal. Skilled Up Institute will Endeavor to resolve formal appeals within twenty (20) working days upon receipt of the appeal as soon as practical. However, in some cases, particularly if the matter is complex, the resolution may take longer, but not more than 45 working days, in which case students will be advised of an extended timeframe.

For external appeal, the overseas student may appeal Skilled Up Institute decisions to the overseas ombudsman:

Overseas Ombudsman

Email: ombudsman@ombudsman.gov.au

Call: 1300 362 072 within Australia. Outside Australia call +61 2 6276 0111.

Enquiries: 9:00am to 5:00pm Monday to Friday, Australian Eastern Standard Time (Australian Eastern Daylight Time when daylight savings is in effect)

Fax: 02 6276 0123 within Australia

Outside Australia: +61 2 6276 0123.

Postal: GPO Box 442, Canberra, ACT, 2601

4. Procedure

Informal Complaint Process

- 5.1. Any student with an issue, question or complaint may raise the matter with staff of the Registered Training Organisation and attempt an informal resolution of the question or complaint.
- 5.2. Students with an issue, question or complaint can arrange a meeting to discuss the matter with one of the following College's staff members who are responsible to try and resolve the issue, question or complaint with the student:
 - Trainer/Assessor
 - Manager/ RTO Manager/Operations Manager/CEO
 - Student support officer
- 5.3 If there is any matter arising from a student informal complaint that is a systemic issue which requires improvement action this will be reported by the staff member, in writing (via email to the CEO) to the Skilled Up's Management meeting so the matter can be recorded in the Skilled Up Institute Complaints Register and be used as part of the continuous improvement activities of the Skilled Up Institute.
- 5.4. 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.
- 5.5. Students who are not satisfied with the outcome of their discussion of the issue, question or complaint are encouraged to register a formal complaint by:
 - Obtaining a copy of the Student complaint form which can be found in your student handbook or be requested from the reception desk or the Student Liaison officer.
 - Completing the Student complaint form
 - Lodging the Student complaint form with the Student Liaison officer
- 5.6. Students having difficulty completing the Student complaint form should ask a trainer or Delegate to assist them.

5.7. Once the Student complaint form is lodged with the Student Liaison Officer it will be dealt with as described in the formal complaint process below.

Formal Complaint Process – purpose

5.8. The formal complaint process will commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information

5.9. A maximum time of 20 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.

5.10. Formal complaints must be lodged using the Student complaint form which can be found in the student handbook or be requested from the reception desk, the Student Liaison Officer or the RTO Manager/Operations Manager

5.11. Formal complaints must be recorded in the Skilled Up's Complaints Register

Formal Complaint Process – general complaints

5.12. 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 which can be found in the student handbook or be requested from the reception desk, the Student Liaison officer.
- Completing the Student complaint form
- Lodging the Student complaint form with the Student Liaison officer.

5.13. Once completed the complaint form is to be lodged with the Student Liaison Officer or the Delegate who will arrange for the complaint to be entered on the Skilled Up's complaint register and meet with the student to discuss the complaint with the student. Complainants will be forwarded a letter (by email or post) acknowledging the receipt of their formal complaint and a copy of this policy and procedure within 5 working days Skilled Up Institute receiving the informal complaint form.

5.14. During the formal complaint process:

Students will have an opportunity to formally present their case to the Student Liaison Officer or the Delegate, 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.

5.15. Complaints can only be dealt with by the Student Liaison Officer or the Delegate.

Whoever does hear the complaint must not be the subject of the complaint and cannot be involved in subsequent appeal hearing.

5.16. The role of the Student Liaison Officer or the Delegate is to:

- Assist the student register their formal complaint
- 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
- Ensure they fully understand the student's complaint
- Work with the student to identify how the complaint can be resolved to the satisfaction of the student
- 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 the Skilled Up's Complaints Register and reported (via the Student support officers report) to the Skilled Up's Management meetings for continuous improvement purposes.
- Advise the student to take the complaint to appeal if a resolution cannot be agreed upon

5.17. Any complaint raised by a student that the Student Liaison Officer or the Delegate 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 Skilled Up's 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 the Skilled Up Institute

5.18 The following matters must be lodged a formal complaint within 20 working days of notification of an intention to report the student to Department of Education (DoE) or Department of Home Affairs (DoHA) through PRISMS, in order to be considered by the Skilled Up.

Notice from the Skilled Up of an intention to defer commencement, suspend or cancel a student enrolment

Notice from the Skilled Up Institute of its intention to report a student for not achieving satisfactory course progress

5.19. Complaints arising from a notice of intention to report by the College must be lodged with the College by:

- Obtaining a copy of the student complaint form which can be found in the student handbook or be requested from the reception desk, the Student Liaison Officer or the Delegate.
- Completing the Student complaint form
- Lodging the Student complaint form with the Student Liaison Officer or the Delegate

5.20. It is the responsibility of the Student Liaison Officer or the Delegate to ensure that for complaints arising from a notice of intention to report by Skilled Up Institute the resolution phase commences within 10 working days of the written complaint being lodged

5.21. Complaints arising from a notice of intention to report by Skilled Up will be heard by a Panel of 3 selected from the RTO Manager/CEO, a Student Liaison Officer or the Delegate and a member of the teaching staff of Skilled Up Institute.

5.22. During the formal complaint process:

Students will have an opportunity to formally present their case to the Complaints handler, 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.

5.23. The role of the Complaints handler is to:

- Ensure the resolution phase commences within 10 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 handler
- Consider the evidence that Skilled Up Institute 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 students representative and Skilled Up Institute

- Consider if there are any applicable extenuating circumstances supporting the students case
- Make an independent decision, based on the evidence to either support the students case and cancel the notice of intention to report or support Skilled Up Institute case and proceed with the Intention to report
- Within 2 working days of making its decision Student Liaison Officer or the Delegate must have formally documented the decision of the complaint handler including reasons for the decision and convey the written decision and reasons for the decision to the student through email the resolution outcome or sending to the student postal address.
- Advise the student to take the complaint to appeal if they are not satisfied with

Formal Complaint Process – finalisation

5.24. At the end of the resolution phase the Student Liaison Officer or the Delegate will report the Skilled Up Institute decision to the student. The decision and reasons for the decision will be documented by the Student Liaison Officer or the Delegate and placed in the students file. A copy of this document will be provided to the student.

5.25. Following the resolution phase, Skilled Up Institute will implement the decision as conveyed to the student and undertakes any improvement actions arising from the complaint

5.26. 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 Skilled Up Institute Management meeting so the matter can be recorded in Skilled Up Institute Complaints Register and be used as part of the continuous improvement activities of Skilled Up Institute.

5.27. Students who are not satisfied with the outcome of the formal complaint are encouraged to appeal against Skilled Up Institute decision by:

- Obtaining a copy of the student appeal form which can be found in the student handbook or be requested from the reception desk, the Student Liaison Officer or the Delegate
- Completing the student appeal form
- Lodging the student appeal form with the Student Liaison Officer or the Delegate

5.28. Once the student appeal form is lodged with the Student Liaison Officer or the Delegate it will be dealt with as described in the Internal Appeal Process below.

Internal Appeal Process – purpose

5.29. Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions, appeals against notification of an intention to report a student to

DoHA and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student for Skilled Up to reconsider a decision made by Skilled Up Institute.

5.30. Students who are not satisfied with the outcome of a formal complaint or wish to appeal a decision made by Skilled Up are encouraged to appeal against Skilled Up decision by:

- Obtaining a copy of the student appeal form which can be found in the student handbook or be requested from the reception desk, the Student Liaison Officer or the Delegate
- Completing the student appeal form
- Lodging the student appeal form with the Student Liaison Officer or the Delegate.

5.31. A student's enrolment will be maintained whilst an appeal is in progress and the outcome has not been determined.

5.32. The appeal resolution phase must commence within five working days of the internal appeal being lodged in writing. The procedure will commence within five working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable. The complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome

5.33. 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

5.34. Internal appeals (except assessment appeals) will be heard by a delegate selected from the Skilled Up CEO, the Student Liaison Officer or the RTO Manager or Operations Manager or a member of the teaching staff.

Students will be forwarded a letter (by email or post) acknowledging the receipt of their appeal and a copy of this policy and procedure within five working days of Skilled Up Institute receiving the Complaints and appeals form.

5.35 The role of the Appeal Handler is to:

- Ensure the appeal phase commences within 10 working days of the written appeal being lodged
- Provide the student, or the students representative, with an opportunity to present their appeal to the Appeal handler
- Ensure they fully understand the students appeal
- Review the evidence and information provided by the student, or the students representative, and Skilled Up

- Make an independent decision, based on the evidence to either support the students appeal, and reverse the decision by Skilled Up that lead to the appeal or to support the Skilled Up case and proceed with the original decision by Skilled Up Institute.
- 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 24 hours of making its decision the Appeal handler must have formally documented the decision of the appeal handler including reasons for the decision and convey the written decision and reasons for the decision to the student

Internal Appeal Process – assessment

- 5.36. If a student feels they have been unfairly assessed or there are circumstances that impacted their performance, they may appeal an assessment decision.
- 5.37. Students should approach their assessor in this case outlining the reasons for their appeal.
- 5.38. If the assessor feels there are reasonable grounds for the appeal he/ she may decide to re-assess the student.
- 5.39. The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the students file.
- 5.40. If the assessor decides to refuse the student an opportunity for re-assessment, the student may lodge a formal appeal by submitting a complaints and appeal form. The student must provide reasons for the appeal along with any supporting evidence.
- 5.41. Complaints & Appeals forms are to be submitted to CEO, Skilled Up reception or via e- mail to CEO.
- 5.42. If the appeal is in relation to the CEO's decision another member of staff will deal with the process.
- 5.43. The staff member reviews all the supporting documentation and discusses the situation with the assessor and student. A decision will be made after all the evidence has been considered.
- 5.44. Students will be forwarded a letter (by email or post) acknowledging the receipt of their appeal and a copy of this policy and procedure within two working days of Skilled Up receiving the Complaints and appeals form. If the CEO or other member handling the process decides that the students appeal be upheld the following will apply.
- 5.45. The assessment in question will be marked by a different and the outcome communicated to the student.

- 5.46. The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the students file.
- 5.47. The student will be awarded the grade that gives them the most favourable outcome between the two submissions.
- 5.48. If the students appeal is refused they will be sent written notification of the outcome within two working days of the decision being made. This will also include reasons and details for the decision. The letter will also inform the student of their right to access the external appeals process and how to do so.
- 5.49. Students can only appeal an assessment decision once
- 5.50. If students are dissatisfied with the outcome of the internal appeals process they may access the external appeals process. Details of this procedure and how to access it are outlined below.
- 5.51. Students may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the student are to be covered by the student.

Internal Appeal Process – finalisation

- 5.52. The outcome of an internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and Skilled Up and placed in the student file. A copy of this document will be provided to the student.
- 5.53. Following the internal appeals phase Skilled Up will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint through the Skilled Up continuous improvement process
- 5.54. 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 Skilled Up Management meeting so the matter can be recorded in the Skilled Up Complaints Register and be used as part of the continuous improvement activities of the Skilled Up.
- 5.55. There are no further avenues within Skilled Up for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available
- 5.56. 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 which can be found in your student handbook or be requested from the reception desk, the Student Liaison Officer or the Delegate
 - Completing the student appeal form and selecting the External appeal option on the form.
 - Lodging the student appeal form with or the Student Liaison Officer or the Delegate or the CEO

5.57. Once the student appeal form is lodged with the CEO or the Student Liaison Officer or the Delegate it will be dealt with as described in the External Appeal Process below.

External appeal process

- 5.58. External appeals may only be lodged if a student thinks Skilled Up has not followed its Complaints and Appeals policy and procedure.
- 5.59. Students must lodge external appeals using the Complaints & Appeals form available from reception at RTO campus. Assistance with completing a Complaint and Appeals form is provided by the Student Liaison Officer or the Delegate where required.
- 5.60. Students must lodge external appeals using the Complaints & Appeals form located in the student handbook and Skilled Up website or available from campus. Assistance with completing a Complaint and Appeals form is provided by the Student Liaison Officer or the Delegate where required.
- 5.61. Complaints & Appeals forms are to be submitted to: CEO via reception at campus or via e-mail to support@skilledup.edu.au Complainants will be forwarded a letter (by email or post) acknowledging the receipt of their external appeal and a copy of this policy and procedure within two working days of Skilled Up receiving the informal complaint form.
- 5.62. Skilled Up will forward all external appeals to the mediator agreed by both parties
- 5.63. Students will not incur costs in accessing the external appeals process.
- 5.64. All documentation must be placed in the students file.
- 5.65. The mediator will provide a written statement of the outcome including reasons and details for the decision to the appellant and Skilled Up at the completion of the external appeals process.
- 5.66. If the outcome of the external appeals process results in a decision favouring the student, Skilled Up will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external appeals body.
- 5.67. The student will be contacted within one business day of receiving notification from the Overseas Students Ombudsman of the decision.
- 5.68. The student may access and receive the outcome of only one external appeals process per issue.
- 5.69. There are no further avenues provided by Skilled Up available to students once the internal and external complaints and appeals process has been accessed. Students have the right to access other legal avenues.

Other information to the students:

International students may also access the external appeals process through the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who wish to appeal a decision after the conclusion of the internal complaints and appeals process. Further information can be obtained from the Overseas Students Ombudsman website www.oso.gov.au or phone 1300 362 072 for more information

The Students Ombudsman will not review the evidence or make a decision in place of those made by Skilled Up. The Students Ombudsman will provide a written statement of the outcome including reasons and details for the decision to the appellant and Skilled Up at the completion of the external appeals process. The student will be advised as to the course of action taken by Skilled Up as per The Overseas Students Ombudsman's advice.

All student complainants

Only under exceptional circumstances, or after all opportunities to resolve the matter through a training provider's internal process are exhausted, should you seek to have your complaint investigated by an external party (ASQA). <https://rms.asqa.gov.au/registration/newcomplaint.aspx>

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

Document Control:

<i>Policy ID (Document No):</i>	
<i>Delegate person:</i>	CEO/Student liaison officer/RTO Manager/Operations Manager
<i>Contact Officer:</i>	RTO Manager
<i>Endorsed BY:</i>	Chief Executive Officer
<i>Endorsement Date:</i>	Chief Executive Officer
<i>Implementation Date:</i>	January 2023
<i>Approved for Circulation:</i>	Chief Executive Officer
<i>Policy Circulation Date:</i>	January 2023

Version:	20230101
Version Details	<p>Date Written: March 2019</p> <p>Date Reviewed: September 2019</p> <p>Date Changed of Version: September 2019</p> <p>Last Update Version On: December 2019.</p> <p>Last updated version on: Jan. 2023</p>
Next Review Date:	December 2023
Latest Change Details	Update the position and logo (2023)
For Staff access Document Location	Saved on Google Drive: Academic/policy