

# International Students - Grievance and Non-Academic Grievance Policy and Procedure

## Purpose:

The purpose of this policy and procedure is to provide information to students and staff about the process for dealing with student feedback, grievance and appeal, both academic and non-academic, fairly and consistently.

## Policy Outline:

Skills Training Australia is committed to providing an effective, efficient, timely, fair and confidential academic and non-academic grievance handling procedure for all students.

The Chief Executive Officer (CEO) is responsible for the implementation of this policy and procedure and ensuring that staff are fully trained in this procedure and students and complainants are made aware of its availability.

## Definitions:

<b>Student</b>	International Student
<b>Grievance</b>	An expression of dissatisfaction about the standard of services provided by Skills Training Australia.
<b>Academic Grievance</b>	Grievances relating to academic matters (e.g., student progress, assessment, course content or awards in a VET course of study).
<b>Non-Academic Grievance</b>	Grievances relating to those matters which <u>do not</u> relate to academic areas. Non-academic grievances cover issues such as harassment, vilification, discrimination, fee issues, misbehaviour, late enrolment.
<b>Appeal</b>	A request to overturn an official decision made by Skills Training Australia. It includes the following issues but not limited to: <ul style="list-style-type: none"> <li>▪ Outcome of assessment marks/course credit</li> <li>▪ Refusal of leave of absence/release/refund</li> <li>▪ Intention to Report (ITR) for unsatisfactory course progress/non-payment/misbehaviour</li> <li>▪ Late enrolment</li> <li>▪ Cancellation of enrolment</li> </ul>
<b>Complainant</b>	Students who have lodged a grievance with Skills Training Australia.
<b>Respondent</b>	The person/s whose decision on an academic or non-academic matter is the subject of the student grievance.
<b>Resolution</b>	Plans to resolve feedback, grievances or appeal put in place.
<b>Overseas Students Ombudsman (OSO)</b>	OSO investigates complaints about problems that overseas students or intending overseas students may have with private schools, colleges and universities (education providers) in Australia.

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## Procedure:

Sometimes students may have a grievance or be unhappy about a particular decision or action of Skills Training Australia or of a Trainer/Assessor or other Skills Training Australia staff member. For academic grievances students should firstly approach the Trainer/Assessor. For any other issues, students should contact the Student Services Officer.

## Informal Grievance Procedure

**(A = Academic related and B = Non-Academic related)**

**A:** Skills Training Australia recommends students to speak to their Trainer/Assessor in the first instance to resolve any issues of concern. There may have inadvertently been a mistake or misunderstanding which can be quickly rectified. Many problems can be resolved by the Trainer/Assessor on the spot and the Trainer/Assessor can give the student information which clears up the problem.

**B:** For other grievances, including informal, the student must raise the matter with the Student Services Officer.

If the student is not satisfied with the response or the matter is more serious, the student has the option to lodge a formal grievance.

## Formal Grievance Procedure

### Stage One – Formal Grievance

**(A = Academic related and B = Non-Academic related)**

**1.1A:** If the student is not satisfied with the response from the Trainer/Assessor or the matter is more serious, the student completes the Notification of Formal Complaint form and submits it to the Student Services Officer along with copies of any supporting documents (if applicable). If the matter is serious and confidential, the student may wish to make an appointment with the Student Services Officer to give notice of the grievance.

**1.1B:** If the student is not satisfied with the response from the Student Services Officer or the matter is more serious, the student completes the Notification of Formal Complaint form and submits it to the Student Services Officer including any supporting documentation (if applicable). If the matter is serious and confidential, the student may wish to make an appointment with the Student Services Officer to give notice of the complaint.

**1.2A:** The Student Services Officer notifies the complainant in writing of the receipt of the grievance within one business day and immediately logs the grievance in the grievance/complaint register.

**1.2B:** The Student Services Officer notifies the complainant in writing of the receipt of the grievance within one business day and immediately logs the grievance in the grievance/complaint register.

**1.3A:** The Student Services Officer forwards the written notification and supporting documentation to the Compliance Officer within one business day.

**1.3B:** The Student Services Officer forwards the written notification and supporting documentation to the Compliance Officer within one business day.

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**1.4A:** Within 10 business days of the receipt of a formal grievance, the Compliance Officer will consider the information provided and may contact the student and/or Trainer/Assessor/staff members if further information is required. The Compliance Officer in liaison with the Program Manager shall, if the individual sees fit, make a decision on the matter and advise the student and Trainer/Assessor/staff members (as applicable) in writing the actions/plans and details of the reasons for the outcome and right to access an independent external complaints and appeal process within 10 business days of concluding the investigation of the grievance. A copy of the written outcome is forwarded to the Student Services Officer for record keeping.

**1.4B:** Within 10 business days of the receipt of a formal grievance, the Compliance Officer will consider the information provided and may contact the student and/or Trainer/Assessor/staff members if further information is required. The Compliance Officer shall, if the individual sees fit, make a decision on the matter and advise the student and Trainer/Assessor/staff members (as applicable) in writing the actions/plans and details of the reasons for the outcome and right to access the appeal process within 10 business days of concluding the investigation of the grievance. A copy of the written outcome is forwarded to the Student Services Officer for record keeping.

**If the outcome of the investigation of the formal grievance lodged is in favour of the student,** Skills Training Australia immediately implements any decision or corrective/preventative actions required and commences continuous improvement process. The Student Services Officer keeps a record of the complaint in student management system as evidence of the communication to the student.

**If the outcome of the investigation of the formal grievance lodged is not in favour of the student,** the student will choose either to withdraw the grievance or proceed further. If the student proceeds, they must, within 5 business days of the written outcome, request the grievance be referred to the CEO. The Compliance Officer refers the complaint to the CEO by the next business day. If the student does not proceed and withdraws the complaint, the CEO proceeds with Skills Training Australia's decision.

### Stage Two – Internal Appeal

The student lodges an appeal against the outcome of the investigation of the formal grievance by completing the Appeals form and submitting it to the Compliance Officer within 5 working days of receiving the written outcome. The Compliance Officer refers the appeal to the CEO.

The CEO commences investigation and finalises outcome within 10 business days of the receipt of the appeal from the Compliance Officer. Once the outcome has been finalised by the CEO, the Compliance Officer informs the student of the outcome through a written communication including details of the reasons for the outcome.

The CEO will conduct all necessary consultations with the student, the Compliance Officer and Program Manager and other relevant persons and make a determination of the appeal. The student will be advised in writing of the outcome of their appeal, including the reasons for the decision, within 10 business days of receipt of the appeal.

Should a decision not be reached within 10 business days, the student will be advised in writing of all matters relating to the progression of the appeal.

**If the outcome of the internal appeal is in favour of the student,** Skills Training Australia immediately implements any decision or corrective/preventative actions required and commences the continuous improvement process.

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**If the outcome of the internal appeal is not in favour of the student**, the student will choose either to withdraw the appeal or access an independent external appeal process conducted by the OSO. If the student proceeds, he/she must contact the OSO within 5 working days of the written outcome and inform the Compliance Officer. The Compliance Officer will advise the CEO of this decision.

If the student does not proceed and withdraws the appeal, the CEO proceeds with Skills Training Australia's decision.

### **Stage Three – External Appeal**

If the student is dissatisfied with the outcome of Stage Two the student may refer the matter to the OSO.

The OSO investigates and informs the student and Skills Training Australia of the outcome. The appeal procedure will be determined by the independent mediator. If required, all documentation from the student and Skills Training Australia related to the appeal will be forwarded to the independent body.

**If the outcome of the external appeal is in favour of the student**, Skills Training Australia immediately implements any decision or corrective/preventative actions required and commences the continuous improvement process.

**If the outcome is not in favour of the student**, the CEO proceeds with Skills Training Australia's decision and is responsible for ensuring a record is kept in the student management system.

### **Appeal Against an Official Decision Made by Skills Training Australia**

The student lodges an appeal against an official decision made by the College by submitting an Appeal form to Student Services Officer within 20 working days of receiving the notification.

In case of appeal against the College's intention to report for unsatisfactory course progress, the student must submit the Appeal form to the Program Manager within 20 working days of receiving the notification.

Staff responsible, in accordance with the type of appeal as per the table below, commences and finalises investigation within 10 working days of the appeal being lodged. Staff will consider the information provided (if applicable) and information about the student in the student management system, and may contact the student if further information is required. Once the outcome has been finalised the student is informed in writing.

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Examples of Types of Appeal	Staff Responsible for Appeal
Assessment Marks	Program Manager
ITR for Course Progress	Program Manager
ITR for Non-payment	CEO
ITR for Misbehaviour	CEO
Course Credit (RPL/RCC/CT)	Program Manager
Refusal of Leave of Absence	CEO
Refusal of Release Letter	CEO
Refusal of Refund	CEO
Late Enrolment	CEO

**If the outcome of the appeal is in favour of the student**, Skills Training Australia immediately implements any decision or corrective/preventative actions required and commences the continuous improvement process. The Student Services officer keeps a record of the complaint in student management system as evidence of the communication to the student.

**If the outcome of the appeal is not in favour of the student**, the student will choose either to withdraw the appeal or access an independent external appeal process conducted by the OSO. If the student proceeds, they must contact the OSO within 5 working days of the written outcome and inform the CEO.

The OSO investigates and informs student and Skills Training Australia of the outcome. The appeal procedure will be determined by the independent mediator. If required, all documentation from the student and Skills Training Australia related to the appeal will be forwarded to the independent body.

If the outcome of the external appeal is in favour of the student, Skills Training Australia immediately implements any decision or corrective/preventative actions required and commences continuous improvement process. The CEO keeps a record of the appeal in the student management system as evidence of the communication to the student.

### External Appeal

The student will have access and receive the outcome of only **one external appeal process** before Skills Training Australia may report the student to the relevant authorities. Hence, Skills Training Australia does not have to await the outcome of multiple external appeals processes which the student may wish to access. However, Skills Training Australia will inform the student that they could refer to the OSO. The OSO offers a free and independent service for overseas students who have a grievance or want to lodge an external appeal about a decision made by their private education or training provider. The student can initiate the external appeals process to OSO by telephone, in writing, by fax, or using OSO's online complaint form. Refer to OSO's contact information below.

Tel: 1300 362 072

Fax: 02 6276 0123

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

[Online Complaint Form:](#)

<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>

### **Withdrawal of Grievance/Complaint or Appeal**

The student may withdraw a grievance or appeal at any time during the resolution process. The student must notify the withdrawal in writing and submit it to the Student Services Officer. The Student Services Officer will send a written acknowledgement of the withdrawal to the student and notifies the Compliance Officer and/or CEO. The matter will be concluded and deemed to be resolved.

### **General Guidelines:**

#### ***Formal Grievance and Appeal***

- If Skills Training Australia considers more than 60 calendar days are required to process and finalise the student grievance or appeal, Skills Training Australia will inform the student in writing the reasons as why more than 60 calendar days are required and will regularly update student on the progress of the matter.
- Nothing in this policy and procedure inhibits the student's rights to pursue other legal remedies under Federal or State law. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.
- Skills Training Australia will maintain the student's enrolment whilst the grievance and appeals process are ongoing.
- There is no cost to the complainant and/or appellant for utilising this grievance and/or appeals process.
- The student may have a support person present (at the student's cost) in all meetings,.
- The student has the right to appeal a decision made by Skills Training Australia to report his/her unsatisfactory course progress based on the following grounds:
  - Failure to record or calculate a student's marks accurately;
  - Compassionate or compelling circumstances; or
  - Skills Training Australia has not implemented its intervention strategy and other policies according to its documented policies and procedures that have been made available to the student.
- General principles applying to all stages of the grievance and appeals procedure:
  - The complainant and respondent will have the opportunity to present their case.
  - The complainant and the respondent will not be discriminated against or victimised.
  - Discussions relating to grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the complainant and/or the respondent.
  - Records of all grievances including but not limited to forms, letters, emails, minutes of meetings at which actions arising from grievances/appeals. These records will be kept strictly confidential.
  - The outcome and reasons of the grievance/appeal will be stored on the student management system and student's file.
  - The student shall have appropriate access to these records.
  - The student may contact Skills Training Australia and speak with the Student Services Officer for progress updates at any time.

## **Documenting Grievance or Appeal**

The CEO is responsible for keeping records of the following, where applicable:

- Actions taken to address the root cause of the grievance or appeal;
- Minutes of meetings at which actions arising from complaint/appeal were agreed upon;
- Changes to systems and/or processes to address the inadequacy that led to the grievance/appeal or to improve operations.

The CEO will ensure the complaint and its resolution is recorded in Skills Training Australia grievance/complaints register that will allow identification and detail of the following:

- Submission date of complaint
- Nature and description of complaint
- Date/s when cause of complaint occurred
- Attachments, if applicable
- Determined resolution including reasons for any decision
- Date of resolution
- Date written statement of outcomes was sent to student

The outcome of the grievance or appeal and the reasons for the outcome will be placed in the student file and recorded on the student management system.

## **Approval Authority:**

This policy and procedure is approved by Skills Training Australia Management as indicated and the quality controlled copy is one that is maintained within the Quality Management System and as such all hard copies need to be verified.

## **References:**

- FM212 Notification of Formal Complaint Form
- FM027A Appeals Form
- FM173 International Students – Grievance/Complaints Register
- National Code of Practice for Providers of Education and Training to Overseas Students 2018

## **Revision History:**

Revision	Description of Change	Author	Effective Date
1.6	Replaced references to General Manager with CEO. Added link to OSO's online complaint form.	CEO	6 October 2021