



STUDENT COMPLAINTS AND APPEALS
POLICY AND PROCEDURES

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CONTENTS

1	Purpose	4
2	Scope.....	4
3	Policy Statement.....	4
4	General Complaints and Appeals Principles	5
5	Policy	5
6	Procedure	6
7	Appeals Against Cancellation of Enrolment	8
8	Record Keeping	9
9	Confidentiality	9
10	Further Information and Assistance	9

STUDENT COMPLAINTS AND APPEALS POLICY AND PROCEDURES

I Purpose

The purpose of this policy and its related procedures is to ensure that Hallmark Institute ('the Institute') has processes to enable students' complaints and grievances to be resolved in a timely and effective manner that respects the rights and privacy of all parties concerned, and to:

- a) Comply with the relevant standards of National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 ('the National Code 2018');
- b) Comply with the relevant standards of the Standards for Registered Training Organisations (RTOs) 2015.

2 Scope

- 2.1** This policy applies only to complaints from students at the Institute. The Institute has separate policies for handling and resolving complaints from staff and other persons with whom The Institute deals.
- 2.2** A complaint may be about an Institute policy or process, or about an individual employed by the Institute.
- 2.3** It should be noted that 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.
- 2.4** This document should be read in conjunction with other related policies.

3 Policy Statement

- 3.1** The Institute considers effective and efficient complaint management is essential to the provision of quality service and to establishing and maintaining a harmonious and productive environment;
- 3.2** The Institute's aim is to identify, investigate and resolve legitimate complaints using a fair, objective and confidential process that achieves resolution in a timely manner at the lowest possible level;
- 3.3** In particular, the Institute is committed to a complaint handling and resolution process that improves quality of its educational offerings and the overall student experience and:
 - a) gives students and others a voice;
 - b) gives the Institute an opportunity to identify and rectify problems; and
 - c) negotiate realistic and justifiable outcomes.
- 3.4** The Institute will endeavour to investigate all legitimate complaints, including those lodged anonymously. While the Institute will accept anonymous complaints, it cannot guarantee the anonymity of complainants;
- 3.5** Where a complaint lacks sufficient information, it may be impossible or impracticable for the Institute to investigate the matter. This will be determined by the relevant manager handling the complaint;
- 3.6** It is a breach of this policy to victimise anyone for their use of the Institute's complaint handling and resolution process;
- 3.7** Complainants will be advised of their right to access external avenues where complaints about the Institute may be heard. External avenues of complaints may impose a fee;

- 3.8 If the student chooses to pursue a complaint matter through external avenues whilst in the middle of an internal complaints process, then the internal complaints process will suspend until the external complaint process is concluded;
- 3.9 If the Institute's complaints handling and resolution processes result in a decision that supports the complainant, the Institute will as soon as practicable, implement any decision and/or corrective and preventative action required and advise the complainant of the outcome.

4 General Complaints and Appeals Principles

- 4.1 The Institute is committed to providing students with an environment that is free of discrimination, harassment, bullying and violence and access to effective and efficient complaints and grievance resolution procedures that are timely and inexpensive. This policy and its related procedures are based on the following principles:
 - a) Natural justice will be the guiding principle for all matters related to grievances;
 - b) At all times, a student has the right to appoint a support person at any time of the grievance process if the student so chooses;
 - c) Students may access the Institute's internal complaint and grievances procedures at no cost to them;
 - d) Student complaints and grievances shall be handled in a confidential and timely manner;
 - e) Student complaints and grievances will be treated in an equitable and culturally sensitive manner and judged purely on their merits;
 - f) No student shall be disadvantaged or victimised as a result of making a complaint or grievance.
 - g) Staff involved in resolving student complaints or grievances will act fairly at all times and ensure that there is no bias in the management of complaints or grievances;
 - h) The parties to the complaint or grievance shall be regularly informed of the progress of the matter;
 - i) Outcomes or decisions must be achievable within the Institute's lawful powers and policies, and legislative requirements;
 - j) The Institute will ensure that all staff and students have access to information contained in this policy and procedures. Staff shall be given a written copy of the policy and be trained in the application of this policy and procedures at staff induction. Students shall be informed of this policy and procedures at the student induction and orientation and reference material shall be included in the Student Orientation Handbook and the Institute's website;
 - k) This complaints process does not restrict a student's right to pursue other legal remedies.

5 Policy

- 5.1 A complaint can be defined as a person's expression of dissatisfaction with any aspect of the Institute'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, accounting functions, student support services, handling of personal information and access to personal records;

- 5.2** The Institute 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 Institute, to submit a complaint of an academic or non-academic nature;
- 5.3** 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 Institute 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;
- 5.4** The dispute resolution process described in this policy and its related procedures does not prevent an overseas student from exercising the student's rights to other legal remedies.

6 Procedure

- 6.1** All students or potential students can access the Institute's four (4) stages of the complaints and appeals procedure. During each stage the Institute 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 relating to this policy and associated procedures;
 - 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 Institute immediately implements any decision and/or corrective and preventive action required and advises the complainant of the outcome in writing;
 - e) There is no cost to the complainant for utilising the internal complaints and appeals process; however, there may be a cost for utilising the external part of the process.

6.2 Stage 1 – Resolving Grievance

- a) 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 the Accounts Department;
- b) 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 Student Support Manager to organise a meeting with the Institute's Student Counsellor. The student may be accompanied or assisted by a support person during this process;
- c) The Student Support Manager and/or the Student Counsellor 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;
- d) Within fourteen (14) days of receiving the grievance, the Student Support Manager and/or the Student Counsellor 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;

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

6.3 Stage 2 – Lodging a Formal Complaint

- a) To commence the formal process, the complainant must complete a *Student Complaint Form* (available from Student Support Services).
- b) The following information needs to be provided in writing:
 - i. details of the complaint;
 - ii. supporting information that the complainant wishes to have considered;
 - iii. an explanation of the steps already taken to try to resolve the complaint informally and why the responses received are not considered satisfactory; and
 - iv. what the complainant thinks needs to be done to address his/her concerns.
- c) The Student Support Manager and/or the Student Counsellor will commence the process of considering the complaint within ten (10) working days of receiving the written Student Complaint Form and will acknowledge receipt of the complaint in writing to the complainant.
- d) The Student Support Manager will ensure all steps are taken to resolve the complaint as soon as is practical.
- e) In considering the complaint, the Student Support Manager and/or the Student Counsellor 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.
- f) The complaint will be investigated by the Student Support Manager and/or the Student Counsellor who will discuss the issues with the person(s) concerned and may confer with the relevant staff. If the Student Support Manager and/or the Student Counsellor considers that the complaint is upheld, a recommendation will be made to the Institute Principal.
- g) If the Institute Principal 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.
- h) 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.
- i) The Student Support Manager and/or the Student Counsellor will retain a written record of the complaint and its outcome.

6.4 Stage 3 – Lodging an Internal Appeal

- a) If a student is dissatisfied with a decision made by the Institute, he/she has twenty (20) working days from the date nominated in the written notification by the Institute 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, unsatisfactory attendance, misbehaviour, refusal to provide a Letter of Release, and/or pending cancellation of enrolment by the Institute.
- b) Appeals should be lodged in writing on an *Appeal Request Form*, available from the Student Support Services, or in a letter.
- c) The appeal will be considered by the Institute Principal, who may decide:
 - I. to make a determination based on the information provided;
 - II. to establish an Internal Case Review Panel; or

III. that there are insufficient grounds to take further action, thus concluding the consideration of the matter under these internal appeals procedures.

- d) The student will be advised in writing of this decision and the reasons for it.
- e) 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.
- f) The Internal Case Review Panel will consist of the Institute Principal, or his/her nominee, a Program Co-ordinator (for a VET course of study other than the one in which the VET Academic Manager / Director of Studies, or his/her nominee, The Student Support Manager, or his/her nominee, and another senior member of the Institute staff (who is not one of the student's trainers).
- g) 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.
- h) 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.
- i) The student will be notified of the decision of the Internal Case Review Panel in writing within five (5) working days of the decision.
- j) If the appeal is upheld, he/she will be informed of the action to be taken to resolve the matter. The Institute will immediately implement any decision and/or action required.
- k) 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.

6.5 Stage 4 – External Case Review

- a) 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 procedures 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.
- b) International students who wish to lodge an external appeal or complain about a decision made by the Institute, can contact the Overseas Students Ombudsman. This is a free and independent service for overseas students. For further information, visit the Overseas Students Ombudsman website:

<https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

or Call: 1300 362 072

7 Appeals Against Cancellation of Enrolment

- a) 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 Institute's decision to report the student for:
 - I. unsatisfactory academic progress, or
 - II. unsatisfactory attendance,

the Institute will not report the student until the External Case Review process is complete, and findings have supported the Institute's decision.

b) If the appeal is against the Institute's decision to:

- i. defer or suspend a student's enrolment due to misbehaviour, or
- ii. to cancel the student's enrolment due to misbehaviour,

the Institute will only wait for the outcome of the internal appeals process to ensure it supports the Institute, before notifying the Department of Home Affairs (DoHA) of the change to the student's enrolment status.

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

- i. leave Australia; or
- ii. show the DoHA a new Confirmation of Enrolment; or
- iii. provide DoHA with evidence that he or she has accessed an external appeals process.

8 Record Keeping

- 8.1** 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 Institute Principal.
- 8.2** 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.

9 Confidentiality

- 9.1** All information relating to students regarding Complaints and Appeals will be treated as confidential and in accordance with the Institute's Privacy and Data Protection Policy and Procedures.
- 9.2** The Institute will maintain confidentiality to ensure that:

a) No information will be released without the agreement of the individual or group involved.

10 Further Information and Assistance

- 10.1** Students should seek clarification on any aspects of this Policy and its related Procedures prior to accepting an offer of admission made by the Institute.
- 10.2** Student assistance is available by contacting Institute Reception or Student Support.
- 10.3** Students may make an appointment with the Student Support Manager for assistance with their request relating to this Policy and its related Procedures.
- 10.4** Contact details for the Institute are outlined as follows:

Phone: +61 2 9066 6903

Address: Suite 603, Level 6
2 Meredith Street,
BANKSTOWN NSW 2200

Email: admin@hallmarkinstitute.edu.au

NOTE: For definitions and explanation of the terms used in this policy and procedures, please refer to the document titled 'Glossary of Terms.'