

SC4-I: Complaints and Appeals Policy & Procedures

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Purpose

The purpose of this policy and procedure is to outline Brighton College's approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensure compliance with Standard 6 of the Standards, as well as compliance with the of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 10.

Definitions

ASQA means Australian Skills Quality Authority, the national VET regulator and the RTO's registering body

Appeal means a request for a decision made by Brighton College to be reviewed

DET means Department of Education and Training

Complaint means a person's formal expression of dissatisfaction with any product or service provided by Brighton College.

PRISMS means Provider Registration and International Students Management System

Overseas Student means someone who is studying in Australia on a student visa. An overseas student is also called an international student.

Services means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support.

Standards means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework.

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Policy

1. Nature of complaints and appeals

- Brighton College responds to all allegations involving the conduct of:
 - The RTO, its trainers and assessors and other staff.
 - Any third-party providing services on behalf of Brighton College and including education agents.
 - Any student or client of Brighton College.
- Complaints may be made in relation to any of Brighton College's services and activities such as:
 - The application and enrolment process;
 - Marketing information;
 - The quality of training and assessment provided;
 - Training and assessment matters, including student attendance and student progress, student support and assessment requirements;
 - The way someone has been treated;
 - The actions of another student.
- An appeal is a request for a decision made by Brighton College to be reviewed. Decisions may have been about:
 - Course admissions;
 - Refund assessments;
 - Response to a complaint;
 - Assessment outcomes / results;
 - Other general decisions made by Brighton College.

2. Principles of resolution

- Brighton College is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, Brighton College ensures that complaints and appeals:
 - Are responded to in a professional, consistent and transparent manner.
 - Are responded to promptly, fairly, objectively, with sensitivity and confidentiality.
 - Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- Brighton College will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
- There are no charges for students to submit, a complaint or appeal to Brighton College, or to seek information or advice about doing so.
- Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

STANDARD 6.4

Where the RTO considers that more than 30 calendar days are required to process and finalise the complaint or appeal, or all parties agree in writing to extend the resolution time beyond 30 days, the RTO will:

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- Inform the complainant or appellant in writing, including reasons why more than 30 calendar days are required; and
- Regularly update the complainant or appellant on the progress of the matter.

3. Making a complaint or appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring, but no more than within 10 working days and appeals must be made within thirty (30) working days of the original decision being made.
- Appeals regarding assessment matter must be made within 10 working days following the provision of the assessment results to the student.
- Complaints and appeals should be made in writing using the *Complaints and Appeals Form*, or other written format and sent to Brighton College's head office at Unit 2 & 3, 15 Anderson Street, Fortitude Valley, QLD 4006 attention to the Principal Executive Officer.

When making a complaint or appeal, complainants or appellant should provide as much information as possible to enable Brighton College to investigate and determine an appropriate solution. This should include:

- The issue that is being complained about or the decision being appealed – a description of what happened and how it affected the complainant / appellant.
- Any supporting evidence.
- Details about the steps already taken to resolve the issue.
- Suggestions about how the matter might be resolved.

4. Timeframes for resolution

- The complaint or appeal (including Assessment Appeal) will be acknowledged in writing by Brighton College administration within 3 working days.
- The complaints and appeals process will commence within 10 working days of receipt of the application. Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer.
- In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

5. Resolution of complaints and appeals

- The Administration Team and the CEO/PEO of Brighton College will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Each party involved in the complaint or appeal may have a support person of their choice present at meetings scheduled to resolve the issue.
- The complainant or appellant will be advised in writing within 5 working days of the outcome of the process and the reasons for the findings made.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the

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assessment task. The appellant will be advised in writing within 5 working days of the outcome of the process and the reasons for the findings made.

- The enrolment status of student will be handled as follows:
 - For domestic students that choose to access this policy and procedure, Brighton College will maintain the student's enrolment while the complaints and appeals process is ongoing.
 - For international students, Brighton College will maintain a student's enrolment throughout the internal appeals processes without notifying DET via PRISMS of a change in enrolment status.
 - In the case of an external appeals process, it will depend on the type of appeal as to whether Brighton College maintains the student's enrolment as follows:
 - If the appeal is against Brighton College's decision to report the student for unsatisfactory course progress or attendance, the student's enrolment will be maintained until the external process is completed and has supported or not supported Brighton College's decision to report.
 - If the appeal is against Brighton College's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, Brighton College will notify DET via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process.

6. Independent Parties

- Brighton College acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant.
 - For domestic students, the independent party recommended by Brighton College is the Queensland Training Ombudsman (QTO). QTO offers a free of charge service. Complainants and appellants can also use their own external independent party at their own cost. Domestic students may also access the external complaint avenues indicated below free of charge.
 - For international students, the independent party is the Overseas Students Ombudsman (OSO). This service is free of charge. Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the OSO (OSO). See information under external complaint avenues.
 - Brighton College will fully cooperate with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
 - The CEO/PEO will ensure that any recommendations made are implemented within twenty (20) calendar days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation, and any recommendations being actioned by Brighton College.

7. External complaint avenues

- Complaints can also be made via the following avenues:
 - National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

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- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.
- Email: ntch@education.gov.au
- Australian Skills Quality Authority (ASQA):

Complainants may also complain to ASQA who is Brighton College’s registering body.

ASQA can investigate complaints about Brighton College in relation to:

 - The quality of our training and assessment.
 - Our marketing and advertising practices.

For students:

 - ASQA may not be able to investigate complaint if you do not include evidence that you have already exhausted our formal internal complaints process as above.
 - If your complaint does not fall within ASQA's jurisdiction, it may be resolved more quickly if you directly contact the agency responsible as listed on the relevant webpage below.
 - Please refer to the relevant webpage below before making a complaint to ASQA: <https://www.asqa.gov.au/complaints>
- The Queensland Training Ombudsman (QTO)

QTO is an independent office that provides Queenslanders with dedicated support to resolve training issues or make complaints. Please refer to the following website if you are considering making a complaint: <http://trainingombudsman.qld.gov.au/>

QTO contact details are:

 - Phone number: 1800 773 048
 - Email: info@trainingombudsman.qld.gov.au
 - Post: PO Box 15090, City East Qld 4002.
- The Overseas Student Ombudsman (OSO) (National)

International students may complain to the OSO if their complain relates to:

 - Refusing admission to a course
 - Course fees and refunds
 - Course or provider transfers
 - Course progress or attendance
 - Cancellation of enrolment
 - Accommodation or work arranged by your provider
 - Incorrect advice given by an education agent.
 - If you believe we have failed to take action or are taking too long to take some action. This might include (for example), failing to provide your results in the normal timeframe, or failing to provide services included your written agreement with Brighton College.

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The OSO may not be able to investigate your complaint if you have not already exhausted our formal internal complaints process as above. Please refer to the following website if you are considering making a complaint: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students#quality-of-education-provider>

- Phone number: 1300 362 072
- Email: ombudsman@ombudsman.gov.au
- Post: GPO Box 442, Canberra ACT 2601.

8. Records of complaints and appeals

Brighton College will maintain a record of all complaints and appeals and their outcomes and reasons for the outcomes on the *Complaints and Appeals Register*, which will be securely stored according to the Privacy Policy and Procedures.

9. Publication

This policy and procedure will be published in the Student Handbook and on Brighton College's website.

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Procedures

1. Complaints management

Procedure	Responsibility
<p>A. Receive and acknowledge complaint</p> <ul style="list-style-type: none"> As per policy, complaints are to be made in writing by the complainant, attention to the CEO/PEO. Students to use the <i>Complaint and Appeals Form</i> available on Brighton College’s website under “Downloads” or complainants can request a copy from Brighton College’s Student Services personnel. Or other written format. Complaints must be made as soon as possible after incident, but no more than 10 working days. The CEO/PEO reviews the complaint upon receipt. Acknowledge receipt of complaint in writing by sending a letter to complainant within 3 working days of receipt. Use <i>Complaint/Appeal Acknowledgement Letter</i>. Record details of the complaint on the <i>Complaints and Appeals Register</i>. Commence process of investigation within 10 working days of receiving the complaint. 	<p>CEO/PEO</p> <p>Student support officers</p> <p>Administration team</p>
<p>B. Investigate the complaint</p> <ul style="list-style-type: none"> Upon receiving the complaint, the matter is investigated to ensure all relevant information is available and it is accurate and complete. Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face to face, the complainant may be accompanied by a support person. If the matter is in relation to a third party delivering services on behalf of the RTO, the third party should be involved in the resolution of the complaint. The investigation may also identify corrective and preventative action which will be immediately implemented as per the next section of this procedure. The CEO/PEO reviews the information and decide on an appropriate response. Where deemed necessary by the CEO/PEO, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution. <p><i>Note:</i> The complaint must be completely resolved within 30 calendar days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing along with</p>	<p>CEO/PEO</p>

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Procedure	Responsibility
reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved.	
<p>C. Advise of the outcome and update records</p> <ul style="list-style-type: none"> • Within 5 working days provide a written response to the complainant outlining: <ul style="list-style-type: none"> ○ The RTO's understanding of the complaint ○ The steps taken to investigate and resolve the complaint ○ Decisions made about resolution, with reasons for the decisions made ○ Areas that have been identified as possible causes of the complaint and improvements to be recommended ○ Their right to access the appeals process if they are not satisfied with the outcome of the complaints process. • Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the complaint and showing the decision that has been made, as well as any corrective/preventative actions identify to address the issue. • Update the <i>Continuous Improvement Register</i> showing the decision that has been made in relation to the complaint, as well as any corrective/preventative actions identified to address the issue. • Keep a copy of the complaint and supporting documents in the Complaints file and in the student or staff file (where relevant). • Immediately implement actions related to decisions that supports the student and/or corrective or preventative actions required. 	CEO/PEO or their delegate

2. Appeals management

Procedure	Responsibility
<p>A. Receive and acknowledge appeal</p> <ul style="list-style-type: none"> • Upon receipt of a request for an appeal, acknowledges receipt of the appeal in writing by sending a letter/email to appellant within 3 working days after receiving the request to ensure that the appellant receives it within 7 days. Use <i>Complaint/Appeal Acknowledgement Letter</i>. • Record details of the appeal on the <i>Complaints and Appeals Register</i>. 	CEO/PEO or delegate
<p>B. Respond to assessment appeals</p> <ul style="list-style-type: none"> • In the case of appeals against assessment decisions, which must be lodged within 10 working days of the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the 	CEO/PEO or delegate

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Procedure	Responsibility
<p>assessment task again.</p> <ul style="list-style-type: none"> • Appeals must be submitted using the <i>Complaints and Appeals Form</i>, available on Brighton College’s website under “Downloads” or complainants can request a copy from Brighton College’s Student Services personnel. Or other written format. • The assessment decision made during the appeals process will be considered the actual assessment outcome for the task. • Advise the student of the outcome of the appeal within 30 calendar days unless there is a significant reason for the matter to take longer. Note: The appeal must be resolved within 30 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved. 	
<p>C. Respond to appeals against non-academic decisions</p> <ul style="list-style-type: none"> • Upon receiving the appeal, which must be lodged within 30 calendar days of the decision, the matter is investigated to identify the original decision made and the reasons for the decision. • Appeals must be submitted using the <i>Complaints and Appeals Form</i>, available on Brighton College’s website under “Downloads” or complainants can request a copy from Brighton College’s Student Services personnel. Or other written format. • Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. • If the matter is in relation to a third-party delivering services on behalf of the RTO, the third party should be involved in the resolution of the appeal. • The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, Brighton College may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This will be at Brighton College’s cost. • Brighton College’s Management team will review all relevant information and decide on an appropriate response. • If the investigation identifies corrective and preventative action, Brighton College will immediately implement it as per the next section of this procedure. • Note: The appeal must be resolved within 30 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take 	<p>Management team</p>

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Procedure	Responsibility
longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved.	
<p>D. Advise appellant of the outcome and update records</p> <ul style="list-style-type: none"> • Provide a written response to the appellant within 5 working days of the appeal decision outlining: <ul style="list-style-type: none"> ○ The RTO's understanding of the reasons for the appeal ○ The steps taken to investigate and resolve the appeal ○ Decisions made about resolution and reasons for the decisions ○ If relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended ○ Their right to, and information on, the external appeals process. ○ For international students, the effect on their enrolment status (see enrolment status in policy – 10). • Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the appeal and showing the decision that has been made, as well as any corrective/preventative actions identify to address the issue. • Update the <i>Continuous Improvement Register</i> showing the decision that has been made in relation to the appeal, as well as any corrective/preventative actions identify to address the issue. • Keep a copy of the complaint and supporting documents in the Complaints file and in the student or staff file (where relevant). • Immediately implement actions related to decisions that supports the student and/or corrective or preventative actions required. 	CEO/PEO or Administration Team

3. External complaint or appeal

Procedure	Responsibility
<p>A. External complaint or appeal</p> <ul style="list-style-type: none"> • If the complainant/appellant is dissatisfied with the internal complaint / appeal processes, they can initiate an external complaint or appeal. • Additionally, a complainant or appellant who has been through the internal processes may request Brighton College to appoint an independent party to review the matter. <ul style="list-style-type: none"> ○ For domestic students, the relevant external independent party the Queensland Training Ombudsman (QTO). This service is free of charge. Complainants and appellants can also engage their own 	Student support officers Administration team

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<p>external independent parties at their own cost. Domestic students may also access free or charge other external services listed in the policy.</p> <ul style="list-style-type: none"> ○ For international students, the relevant external independent party is the Overseas Students Ombudsman (OSO), which is also free of charge. ○ The student must advise Brighton College in writing of their intention to initiate an external complaint or appeal within 5 working days of receiving notification of the internal appeal decision or outcome. ○ The student must provide evidence in writing that the external process to investigate and review the matter, has been initiated commenced in writing within 10 working days of the letter advising the Internal appeal decision or outcome. <ul style="list-style-type: none"> ● Brighton College will co-operate fully in the process of the external party to investigate and review the matter. This will include and will not be limited to providing full access to the relevant student file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them. ● Where the decision of the external party is in favour of Brighton College, Brighton College will notify DET via PRISMS of the change in enrolment status immediately. 	
<p>B. Review external complaints or appeals</p> <ul style="list-style-type: none"> ● In the event that the external party’s decision is in favour of the student, immediately organise a management meeting to discuss the external process and its outcome, specifically the decision made and actions needed to be taken to implement the decision, including both corrective/preventative actions. ● Following the meeting immediately implement actions. ● Advise the student of the outcome of the complaint or appeal and the actions taken. 	<p>Management team</p>

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