



NEW ERA INSTITUTE

CRICOS No.: 03509B • National Provider no.: 41543

Standard 10_Complaints and Appeals Policy

2020 V 1.0





Purpose

To provide students and staff of NEI with guidelines on grounds for complaints and appeals and processes for appealing academic and other related decisions. A fair and transparent means of making formal complaints and appealing academic and related decisions is an integral part of all training and assessment and Standard 10 of the National Code 2018.

Scope

This policy and procedure applies to all staff, contractors and students involved with the delivery of NEI's courses.

This policy manages and responds to allegations involving the conduct of:

- NEI, its teachers and trainers or other staff; or
- A student of NEI.

Policy and Procedure

1. Students who are concerned about the conduct of NEI are encouraged to attempt to resolve their concerns using this procedure.
2. The procedure will be implemented at no cost to the student and is accessible on the NEI intranet and internet.
3. All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
4. 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. Complaints and appeals will be recorded, acknowledged and dealt with fairly, efficiently and effectively. The principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process.
5. Students (international students who are on a student visa) will be provided with details of external authorities they may approach, if required.
6. At any stage in the internal complaint or appeal process, students are entitled to have their own nominee included to accompany and support them.



7. Students may raise any matters of concern relating to training delivery and assessment, the quality of teaching, student amenities, discrimination, sexual harassment and other issues that may arise.

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 the details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.

9. A student's enrolment must be maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined if the internal complaint or appeal is initiated by the student. Where the suspension or cancellation is not initiated by the student and if the student accesses the complaints and appeals process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply as stated in the Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy & Procedures.

10. NEI will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent body to review the process implemented by NEI.

11. If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action, this will be reported to the management meeting as part of the continuous improvement process.

12. 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 the

Redfern Legal Centre,



73 Pitt Street, Redfern, NSW-2016,

Tel: 02 9698 7277,

13. Where NEI considers more than 60 calendar days are required to process and finalise the complaint or appeal, NEI will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required and will regularly update the complainant or appellant on the progress of the matter.
14. NEI will keep proper records of all informal and formal discussions conducted under this policy and procedure and their outcomes on the student management system for 5 years. All such records will be treated as confidential.
15. NEI identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Definitions

Complaint: An expression of dissatisfaction with an action, product or service provided. Complaints may be received from students, employers, staff or contractors.

Appeal: An appeal is where a student, employer, staff or contractors may dispute a decision made by NEI or third parties acting on its behalf. The decision in question may be an assessment decision or may be about any other aspect relating to operations

Complainant: The person who is making a complaint. A complainant may be either a student, employer, staff member or contractor

Appellant: The person who is making an appeal. An appellant may be either a student, employer, staff member or contractor

Independent Third Party: A person with no vested interest in the complaint or appeal to either act as mediator or witness during investigations of the appeal or complaint. The independent third party can be nominated by either NEI or the complainant / appellant and must be agreed upon by both parties

Complaint Procedures

Informal Complaint Process

1. Any student with a question or complaint may raise the matter with staff of NEI and attempt an informal resolution of the question or complaint.



2. Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the NEI staff member involved determines that the issue question or complaint was relevant to the wider operation of NEI.
3. Students who are not satisfied with the outcomes of the question or complaint are encouraged to register a formal complaint.

Formal Complaint Process

1. Students who are not satisfied with the outcomes of the informal process, or, who want to register a formal complaint may do so. To register a formal complaint, a student must complete the Student Complaint/Appeal Application Form available from the Student Services Officer and contact the Student Services to arrange a meeting. At this meeting the complaint can be raised and a resolution attempted.
2. At the stage of the complaint meeting, the complaint must be recorded in writing and signed and dated by the complainant and the Student Services officer. The complaint is recorded in writing by completing the student complaint form prior to the meeting or a new document can be prepared and signed during the meeting.
3. The Student Services officer will then attempt to resolve the complaint with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint being lodged in writing.
4. A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
5. At the end of the resolution phase, the Student Services officer will report the institute's decision to the student. The institute's decision and reasons for the decision will be documented by the Student Services officer and placed in the student's file.
6. Following the resolution phase, the institute will implement the decision as conveyed to the student and undertakes any improvement actions arising from the complaint.
7. If a student is dissatisfied with the outcome of the formal complaint process then they may institute an internal appeals process by completing the appeals form.



Appeal Procedure

Internal Appeals

1. Internal appeals may arise from a number of sources including appeals against assessment, appeals against disciplinary actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by NEI.
2. Students appealing an assessment or course credit outcome will need to have a meeting with the Academic team/Student Support officer. Students will be given the opportunity for reassessment by a different assessor appointed by NEI. Costs of reassessment will be met by NEI. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.
3. A student's enrolment must be maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined if the internal complaint or appeal is initiated by the student. Where the suspension or cancellation is not initiated by the student and if the student accesses the complaints and appeals process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply as stated in the Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy & Procedures.
4. The following matters must be lodged as a formal appeal within 20 working days of notification in order to be considered by NEI.
 - Deferral of commencement, suspension or cancelling a student enrolment outcome
 - Intention to report the student to the Department of Home Affairs for unsatisfactory course progress and non-payment of fees (applicable to international students only).
 - Non-achievement of unit competency
5. If the appeal is initiated by students, students are advised to complete a Complaint/Appeal Application Form available from the Student Support. The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.



6. An Appeal Panel comprising two senior staff members not directly involved in the matter will be convened by the Student Services officer within 10 working days of the appeal application being received.
7. The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the Appeal Panel and placed in the student file.
8. The decision of the Appeal Panel will be communicated to the student in writing within 5 working days, unless the Appeal Panel decides that additional investigations, information or monitoring are required. In this case the student will be advised of the decision within 5 working days of the Appeal Panel reaching a decision.
9. Following the internal appeals phase, NEI will implement the decision as conveyed to the student and implement any improvement actions arising from the complaint.
10. There are no further avenues within the institute for complaints or appeals after the internal appeals process has been completed, however, an external appeals process is available.

External Appeals

1. Students, if after following our internal appeal process, still believe that we are breaching or have reached our legal requirements or are not satisfied with the decision reached; they may seek assistance from a formal external authority. The external providers NEI uses for this mediation service to students are:
2. For overseas students who are on a student visa

OVERSEAS STUDENT OMBUDSMAN (OSO)

Phone: 1300 362 072

Website: www.oso.gov.au

3. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider.
4. Except in exceptional circumstances, the student must attach evidence to their complaint form showing:
 - that they have followed NEI's formal complaints procedure, and



- NEI's response.
5. The purpose of the external appeals process is to consider whether NEI has followed its student complaints and appeals procedure, not to make a decision in place of NEI. For example, if a student appeals against his or her subject results and goes through the internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.
 6. The external appeals procedure will be determined by the independent mediator.
 7. Following the receipt of the outcome of the external appeal, NEI must immediately implement the decision, convey the outcome to the student and undertake any improvement actions arising from the complaint.
 8. If an appeal is against NEI's decision to report the student for unsatisfactory course progress, NEI must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress) until the external appeals process is complete and has supported NEI's decision to report.
 9. If an appeal is against NEI's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, NEI only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Education and Training (applicable to international students only) through PRISMS of the change to the student's enrolment.

Responsibility

- CEO
- Admissions officers
- Student Support Officers/ Intervention officers
- All teaching staff

Related Documents

- Student Handbook
- NEI's Website
- NEI's Completion within Expected Duration
- Deferment, suspension and Cancellation of study Form



- • Course progress policy
- • Refund policy
- • Complaint and appeals policy

Related Standards

- Standard 7,8, 9and 10 from the National Code 2018
- ESOS Act 2000
- Migration Act

Complaints Process Flow Chart



