NEW ERA INSTITUTE

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

Standard 10_Complaints and Appeals Policy

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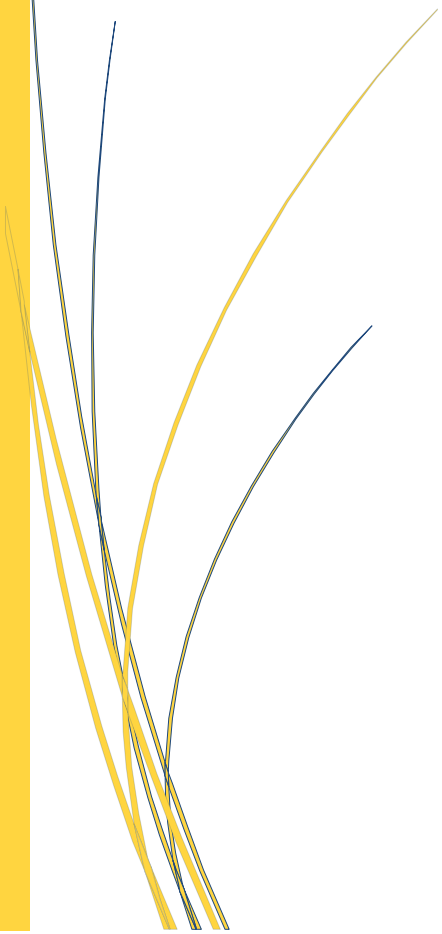


Purpose

To provide students and staff of New Era Institute (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 the National Code of Practice for Providers of Education and Training to Overseas Students, , the ESOS Act, and the Standards for Registered Training Organisations (RTOs)."

Scope

This policy applies to complaints and appeals lodged by students, staff, contractors, employers, and other stakeholders.

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 server and internet. NEI will acknowledge receipt of a formal complaint/appeal within 2 working days, commence assessment within 10 working days, and finalise the matter as soon as practicable (generally within 60 calendar days unless exceptional circumstances apply).

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. All decision-makers and panel members must be impartial and declare any actual or perceived conflict of interest prior to participating.

5. Students (international students who are on a student visa) will be provided with clear information about appropriate external complaint and appeal bodies relevant to their enrolment status, including the Overseas Students Ombudsman (for international students) and other relevant agencies for domestic students.

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;

9. The student will have an opportunity to formally present their case, in writing or in person at no cost to the student.

10. The student may be accompanied and assisted by a support person at any relevant meetings.

11. 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.

12. 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. Where the complaint/appeal relates to course progress reporting (National Code Standard 8), NEI will not report the student through PRISMS until internal and (if accessed) external processes are completed and the outcome supports NEI, or the student does not access/withdraws from the process, as applicable. Where the complaint/appeal relates to suspension/cancellation (National Code Standard 9), NEI will await completion of the internal process before updating PRISMS (unless immediate action is required due to health/wellbeing risk).

13. 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.

14. 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.

15. Nothing in this policy restricts the right of a complainant or appellant to pursue other legal remedies. Students may seek independent legal advice from a legal practitioner or community legal service of their choosing. 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,

16. 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.

17. Records will be retained in accordance with legislative, regulatory, and funding body requirements. All records will be treated as confidential.

18. NEI identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

19. Outcomes of complaints and appeals are analysed to identify trends and systemic issues and are recorded in the Continuous Improvement Register.

20. Any person involved in handling a complaint or appeal must declare any actual or perceived conflict of interest.

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 a request by a student to have a decision reviewed, including assessment outcomes or administrative decisions affecting their enrolment.

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. Informal complaints will be acknowledged and addressed promptly. Where issues indicate potential systemic risk, the matter will be recorded and reported for continuous improvement purposes. 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. Decisions will be made by a delegated officer with appropriate authority who was not directly involved in the matter.

6. 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.

7. Following the resolution phase, the institute will implement the decision as conveyed to the student and undertakes any improvement actions arising from the complaint.

8. 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.

5. Deferral of commencement, suspension or cancelling a student enrolment outcome

6. 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).

7. Non-achievement of unit competency

8. 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.

9. 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.

10. 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.

11. 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.

12. Following the internal appeals phase, NEI will implement the decision as conveyed to the student and implement any improvement actions arising from the complaint.

13. 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

21. Within 10 working days of completing NEI's internal process, NEI will advise the student in writing of their right to access an external complaints handling and appeals process and provide the relevant contact details. For private education providers, the appropriate external complaints body for overseas students is generally the Overseas Students Ombudsman (OSO). NEI will also provide an independent review option at no or low cost (e.g., independent mediator/reviewer) where the matter is not within the OSO's scope, in line with the Standards for RTOs 2025 Outcome Standards 2.7–2.8.

22. 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: NEI provides external review pathway information; the student may choose to access the relevant external body. NEI does not limit the student to a single provider where other appropriate external options exist.

23. For overseas students who are on a student visa

    OVERSEAS STUDENT OMBUDSMAN (OSO)

    Phone: 1300 362 072 - Website: www.oso.gov.au

24. 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.

25. 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.

26. 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.

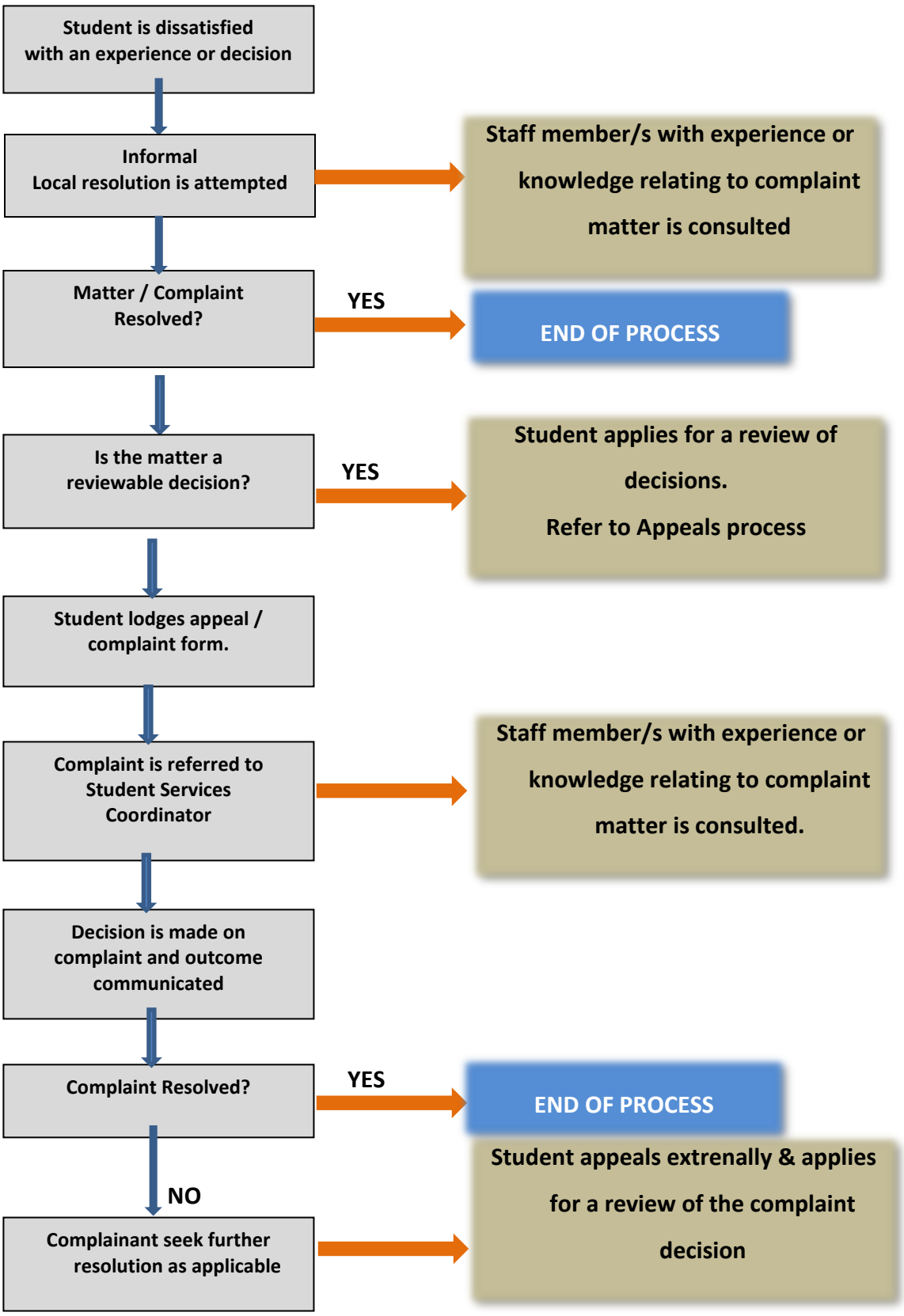
27. The external appeals procedure will be determined by the independent mediator.

28. 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. NEI will record the implementation evidence on the student file and, where relevant, log any systemic corrective actions in the Continuous Improvement Register.

29. 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.

30. 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 relevant government authorities (applicable to international students only) via PRISMS of the change to the student's enrolment.

Complaints Process Flow Chart



APPENDIX – REGULATORY MAPPING MATRIX

Complaints/appeals requirement / control	National Code 2018	RTO Standards 2025	Evidence retained (audit-ready)	Responsible role	Review cycle
Accessible process at no cost; published and provided pre-enrolment	Std 10	Learner protection	Student handbook link; offer pack; website screenshot	Compliance	Annual
Timeframes: acknowledge/assess/finalise (with written updates if >60 days)	Std 10	Governance	Complaints register; acknowledgement email; outcome letter	Compliance	Ongoing
Procedural fairness + conflict of interest declarations	Std 10	Integrity	documentation record	CEO/Compliance	Each case
Enrolment maintained during process (where required) + PRISMS timing rules	Std 10 + linked to Std 8/9	Compliance	Status maintenance evidence; PRISMS logs	Compliance / PRISMS	Each case
Trend/systemic analysis to CI register	Std 10	CI	CI actions	CEO/Compliance	Quarterly/periodic