



## COMPLAINTS AND APPEALS POLICY & PROCEDURE

### 1. Policy

The purpose of this policy is to ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeals process.

Despite all efforts of Yorke Institute to provide satisfactory services to individuals (participants, clients or RTO staff and Contractors), complaints may occasionally arise that require formal resolution.

The following Policy and Procedure provides an individual the opportunity to have any issues relating to a complaint heard and ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process.

- This complaints and appeals process will be at no cost to the individual.
- This complaints and appeals policy will be publicly available through Yorke's website.
- While a complaint or appeal is in progress, a the student's enrolment will not be cancelled or withdrawn.
- Yorke may refuse access to classes, even if the complaints and appeals process is not completed if there are extenuating circumstances as to why the student should not be allowed to attend classes. Extenuating circumstances include matters that relate to the health of the student, and the student's behaviour towards other students and teachers.
- Yorke will cooperate with all regulatory authorities in relation to any complaint made by any student, staff member, or third party.

### 2. Procedure

#### *Informal process*

Where possible all informal attempts shall be made to resolve a complaint, ensuring the principles of natural justice and procedural fairness are adopted.

This may include advice, discussions, and general mediation in relation to the complaint. Any staff can be involved in this informal process but once a complaint is made in writing the following procedures must be followed.

#### **2.1 General Complaints**

- Any student, potential student, or third party may submit a formal complaint to Yorke Institute by completing the 'Complaints and Appeals Form' and state their case providing as many details as possible. This application form can be gained by downloading the form from the website: [www.yorkeinstitute.com](http://www.yorkeinstitute.com) or contacting the Student Administration officer at Yorke Institute

Note: There is no cost for the complaints process unless it is referred to an external third party.

- All complaints or appeals are submitted to the Student Administration Officer. It is their responsibility to deal with the complaint in the first instance. Complaints are to include the following information:
  - Submission date of complaint
  - Name of complainant;
  - Nature of complaint;
  - Date of the event which lead to the complaint

- Attachments (if applicable);

Once a formal complaint is received the Student Administration Officer is to complete the 'Office Use Only' section on the submitted 'Complaints and Appeals form.'

The complainant or appellant will be acknowledged in writing within 10 days and finalised as soon as practicable.

- The specific information regarding the complaint/ appeal is to be documented in the 'Complaints and Appeals Register' by the Student Administration Officer and monitored by the RTO Manager regularly.

The information to be contained and updated within the register is as follows:

- Submission date of complaint
  - Name of complainant;
  - Description of complaint / appeal
  - Determined Resolution; and
  - Date of Resolution.
- The complainant or appellant may be assisted or accompanied by a support person regardless of the nature of the grievance or complaint throughout the process at all times.
  - Once a complaint has been filed and logged in the 'Complaints and Appeals Register' the Student Administration Officer shall notify the RTO Manager of the complaint and provide any further documentation related to the matter.
  - Within 10 working days of the formal lodgement of the complaint/ appeal the Student Administration Officer shall ensure the process of addressing the complaint /appeal commences. The Student Administration Officer may refer the matter to the appropriate staff to resolve, or make a decision on the complaint ensuing that all reasonable measures are taken to finalise the process as soon as practicable. The Student Administration Officer is to keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.

Where more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO will:

- inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
- regularly update the complainant or appellant on the progress of the matter.
- If the complainant or appellant chooses to access Yorke Institute's complaints and appeals process, Yorke Institute must maintain the students' enrolment while the complaint and appeals process is ongoing.

Once a decision has been reached the Student Administration Officer shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the students shall also be notified that they have the right of appeal. To appeal a decision Yorke Institute must receive, in writing, grounds of the appeal.

The Student Administration Officer shall ensure that Yorke Institute will act within 10 working days of receiving on any complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the complainant or appellant, Yorke Institute will immediately implement any decision and/or corrective and preventative action that is required, and advise the complainant or appellant of the outcome.

- Copies of all documentation, outcomes and further action required will be placed into the 'complaints and appeals register' by the Student Administrations Officer and on the students file.

## 2.2 Appealing a Decision

- All complainants have the right to appeal decisions made by Yorke Institute where reasonable grounds can be established. The areas in which a student may appeal a decision made by Yorke Institute may include:
  - Assessments conducted
  - Suspension or cancellation decisions made in relation to the student's enrolment
  - Intention to report the student for unsatisfactory course progress
  - Or any other conclusion / decision that is made after a complaint has been dealt with by Yorke Institute in the first instance.

To activate the appeals process the complainant is to complete a 'Complaints and Appeals Form' which is to include a summary of the grounds the appeal is based upon. The reason the complainant feels the decision is unfair is to be clearly explained and help and support with this process can be gained from the Student Administrations Officer.

The Student Administrations Officer shall then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.

The process for all formally appeals will begin within 10 working days of the appeal being lodged.

The Student Administrations Office shall ensure that Yorke Institute acts on any substantiated appeal.

Where an individual has appealed a decision or outcome of a formal complaint they are required to notify Yorke Institute in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.

- The appellant shall be notified in writing of the outcome with reasons for the decisions, and the 'Complaints and Appeals Register' updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify Yorke Institute if they wish to proceed with the external appeals process.

### **Assessment appeals**

- Where an appellant wishes to appeal an assessment, they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- If this is still not to the appellant's satisfaction the appellant shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with Student Administrations department and the appeal shall be entered into the 'Complaints and Appeals Register'.
- The Student Administrations Officer shall be notified and shall seek details from the assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another assessor appointed by Yorke Institute.
- The appellant shall be notified in writing of the outcome with reasons for the decision, and the 'complaints and appeals register' updated. The appellant shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The appellant is required to notify Yorke Institute if they wish to proceed with the external appeals process.

### **Appealing deferrals, suspension or cancellation of enrolment decisions**

- Where an individual wishes to appeal a decision relating to suspension, or cancellation of an enrolment they are required to lodge, the completed Complaints and Appeals form, to the Student Administration Officer. The individual should outline in detail why they believe the decision should be reviewed and should include any supporting documentation for their appeal.

- Once the appeal is lodged with the Student Administrations department, the appeal will be entered into the 'Complaints and Appeals Register'.
- The Student Administration Officer shall be notified and shall seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal.
- The individual shall be notified in writing of the outcome with reasons for the decision, and the 'complaints and appeals register' updated. The individual shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome..
- The Student Administration Officer shall ensure that Yorke Institute will act immediately on any substantiated appeal. If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action that is required, and advise the student of the outcome.

### 2.3 External Appeals

- If an individual is still dissatisfied with the decision of Yorke Institute a student may wish to refer the matter to an external independent / third party mediator.

Dispute Settlement Centre of Victoria (for domestic students):	Dispute Settlement Centre of Victoria <a href="https://www.disputes.vic.gov.au/">https://www.disputes.vic.gov.au/</a> 4/456 Lonsdale Street Melbourne Vic 3000 Telephone: 1300 372 888 Email: <a href="mailto:dscv@justice.vic.gov.au">dscv@justice.vic.gov.au</a>
Ombudsman (for international students):	Overseas Students Ombudsman <a href="http://www.ombudsman.gov.au">www.ombudsman.gov.au</a> Phone:9am to 5pm Monday to Friday. In Australia, call: 1300 362 072 (calls from mobile phones at mobile phone rates). Outside Australia, call +61 2 6276 0111 Online complaints can be made by completing the complaint form in the website: <a href="http://www.ombudsman.gov.au">http://www.ombudsman.gov.au</a> Outside Australia: +61 2 6276 0123. Mail: Overseas Students Ombudsman - GPO Box 442,Canberra ACT 2601,AUSTRALIA Location of Melbourne office: Level 1, 441 St Kilda Road Melbourne VIC 3004

<p>Australian Skills Quality Authority</p>	<p>Details on how to lodge a complaint  <a href="https://www.asqa.gov.au/complaints/make-complaint-domestic-students">https://www.asqa.gov.au/complaints/make-complaint-domestic-students</a>  <a href="https://www.asqa.gov.au/complaints/make-complaint-overseas-students">https://www.asqa.gov.au/complaints/make-complaint-overseas-students</a>  <a href="https://www.asqa.gov.au/complaints/make-complaint-other-stakeholders">https://www.asqa.gov.au/complaints/make-complaint-other-stakeholders</a></p> <p>Please note that the Australian Skills Quality Authority will only accept a complaint regarding a Registered Training Organisation where the student has already exhausted the RTO's internal complaints process and only where the subject of the complaint relates to a breach of regulatory requirements.</p>
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- Yorke Institute will comply with the findings of the external appeals process
- Where a decision or outcome is in favour of the student Yorke Institute shall follow the required action and recommendation from the Ombudsman to satisfy the student's grievance as soon as practicable.
- The decision of the Ombudsman is final and any further action the student wishes to take is outside Yorke Institute's policies and procedures. The student shall be referred to the appropriate government agencies and this information can be gained from the Student Administration Officer

Refer:

- Education Services for Overseas Students (ESOS) Act 2000 – Standard 10
- Standards for RTOs 2015 Standard 6
- Skills First VET Funding Contract 2018 – 2019 and
- Skills First Quality Charter 2018