

Complaints and Appeals Policy

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V3.0	Revised March 2021	13 - 15 Leila Street, Cannington, Perth WA 6107	Level 1,841 George Street Haymarket NSW 2000	Web: www.leadcollege.edu.au	ABN: 63 604 422 853	
			Level 1, 37-39 George Street, Parramatta NSW 2150	Phone: 1300 887 361	RTO Code: 41489	
			4/1 River Road West, Parramatta NSW 2150	Email: admissions@leadcollege.edu.au	CRICOS Code: 03636F	

Purpose

The purpose of this policy and procedure is to outline LEAD 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 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 LEAD 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 LEAD 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

Policy

1. Nature of complaints and appeals

- LEAD College responds to all allegations involving the conduct of:
 - LEAD College, its trainers and assessors and other staff.
 - Any third-party providing Services on behalf of LEAD College and including education agents.
- Any student or client of LEAD College.

- Complaints may be made in relation to any of LEAD College’s services and activities such as:
 - the application and enrolment process
 - marketing information
 - the quality of training/teaching and assessment provided
 - training/teaching and assessment matters, including student progress, student support and assessment requirements
 - the way someone has been treated
 - the actions of another student

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- An appeal is a request for a decision made by LEAD 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 LEAD College

2. Principles of resolution

- LEAD 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, LEAD 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 able to be made at no cost to the individual.
 - 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.
- LEAD 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 LEAD 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.

3. Making a complaint of appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.
- Complaints and appeals should be made in writing using the *Complaints and Appeals Form*, or other written format and sent to LEAD College’s head office at Level 1, 841 George Street, Hay Market NSW 2000 or for WA campus at 13-15 Leila Street Cannington attention to the Chief Executive Officer. When making a complaint or appeal, provide as much information as possible to enable LEAD College to investigate and determine an appropriate solution. This should include:
 - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
 - Any evidence you have to support your complaint or appeal.
 - Details about the steps you have already taken to resolve the issue.
 - Suggestions about how the matter might be resolved.

4. Timeframes for resolution

- The complaint or appeal will be acknowledged in writing within 3 business days.
- The complaints and appeals process will commence within 10 business 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.

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- 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

- Some or all members of the management team of LEAD 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.
- Where a third-party delivering Services on behalf of the RTO is involved, they will also be included in the process of resolving the complaint or appeal.
- Each party involved in the complaint or appeal may have a support person of their choice present at meetings scheduled to resolve the issue.
- 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 assessment task. The complainant or appellant will be advised in writing of the outcome of the process and the reasons for the findings made.
- The enrolment status of student will be handled as follows:
 - For international students, LEAD 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 LEAD College maintains the student's enrolment as follows:
 - If the appeal is against LEAD 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 LEAD College's decision to report.
 - If the appeal is against LEAD College's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, LEAD 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

- LEAD 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 international students, the independent party is the Overseas Students Ombudsman. 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 Overseas Students Ombudsman (OSO). See information under external complaint avenues.
 - LEAD College will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
 - The CEO will ensure that any recommendations made are implemented within twenty (20) 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 LEAD College.

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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:

- 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 LEAD College’s registering body, Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about RTOs that have not met their obligations.

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.

Please refer to the following webpage below before making a complaint to ASQA as it provides an online tool that will advise you about whether or not you can make a complaint to ASQA:

<https://www.asqa.gov.au/complaints/getting-started-making-complaint-about-training-provider>

ASQA advise the following in regard to complaints.

If you lodge a complaint, ASQA will formally respond to you:

- acknowledging receipt of the complaint (within five working days)
 - advising whether or not any action will be taken, and
 - if so, notifying of the action taken and the outcome of that action.

ASQA may contact you to seek further information. ASQA aims to complete a review of a complaint within four months of submission; however, in cases where a complaint triggers a compliance or audit or investigation, this may take longer. If ASQA is not the most appropriate organisation to deal with your complaint, they will recommend that you contact the appropriate organisation. If your complaint is about an issue that ASQA regulates, ASQA will decide what action to take.

ASQA takes a risk-based approach to complaints about training providers and this means the action its takes will vary depending on the seriousness and potential impact of the complaint.

In almost all cases, ASQA will notify the training provider of the complaint. The training provider will have the opportunity to respond to the allegations.

In some cases, ASQA may decide not to take action.

Action may include:

- Writing to the provider to remind them of their obligations.
 - Looking at a provider’s practices to see if they are meeting their obligations. If they are not, we may:
 - require the provider to correct its practices to protect future students
 - require the provider to take action in relation to past or current students to rectify the impact non-compliant practices may have caused
 - suspend, cancel or place conditions on that training provider's registration.

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ASQA cannot act as a student advocate or Act to resolve a dispute with a training provider. ASQA will use the information from complaints to inform ongoing monitoring of training providers but may decide to take no immediate action in relation to a complaint.

- The Overseas Student Ombudsman (OSO)

International students may complain to the OSO if their complaint is in relation to LEAD College:

- 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 LEAD College.

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>

8. Records of complaints and appeals

LEAD 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 LEAD College’s website.

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