Complaints and Appeals Policy: Overseas Students

1 PURPOSE

The purpose of this policy and procedure is to provide information and outline the determination to proceed with an appeal or complaint. Through this policy and the corresponding procedure, FIT Education commits to ensuring that overseas students have the right to natural justice through effective, timely, equitable and documented complaints handling and appeals processes. (10.1)

This policy has been developed to satisfy the requirements of The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 10.

2 SCOPE

This policy applies to all current and prospective overseas students of FIT Education.

3 DEFINITIONS

Appeal	When a student is dissatisfied with a decision made by FIT Education, that student has the right to contest it by means of an appeal. The appeal is a process whereby the decision is reviewed and re-evaluated with any evidence or argument that the student wishes to include for consideration. The appeal may have one of two outcomes: **- Appeal upheld** meaning the decision is overturned. **- Appeal rejected** or **not upheld**, meaning the original decision stands
Assessment	the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.
Grievance	a concern about academic matters, perceived discrimination, situation, a process, person or people, facility or a support service provided by FIT Education. Grievances are less formal/official than complaints, whereby a student brings a matter to the attention of FIT Education in an informal way i.e. it is spoken about, not written down
Complaint	a formal complaint takes place if a grievance cannot be resolved informally (for example, the affected parties discussing the matter), and is written down for official processing
Complainant	student or potential student lodging the grievance or complaint
Internal complaint or appeal	means a complaint or appeal made by an employee or staff member of FIT Education

SSO -	an acronym for Student Support Officer, members of staff providing support for the needs and wellbeing of all overseas students
Third party.	any party (person or group/organisation) providing services on behalf of FIT Education but not including a contract of employment between FIT Education and its employee

4 POLICY STATEMENT

As part of our commitment to providing a fair and equitable student experience, the following complaints handling and appeals system has been developed and is freely and readily accessible and clearly explained to all students and prospective students on our official website, the student handbook and at student orientation.

4.1 FIT Education acknowledges that students have the right to raise grievances and make complaint where they see fit.

4.2 FIT Education acknowledges that students have the right to appeal an assessment decision, based on valid grounds for appeal.

4.3 FIT Education has provision for students to appeal against assessment decisions, including those made by staff members or by a third party partner and will respond to any complaint or appeal made against any of these parties.

4.4 FIT Education ensures that students have access to a fair and equitable process for lodging an appeal against an assessment decision.

4.5 In doing so, FIT Education:

- has written processes in place for collecting and dealing with appeals in a constructive and timely manner (see Complaints Procedure and Assessment Appeals Procedure);
- ensures that these procedures are communicated to all staff, third party partners and students;
- ensures that each appeal and its outcome are recorded in writing;
- ensures that each appeal is heard by an independent person or panel;
- ensures that each complainant has the opportunity to formally present their case free of cost;
- ensures that each complainant is given a written statement of the appeal outcomes, including reasons for the decision;
- retains written records and statements of the outcome of the appeal or complaint;
- takes appropriate action upon the subject of any appeal that is found to be substantiated; and
- utilizes outcomes of appeals to review current practices which may potentially lead to continuous improvement.

4.6 An assessment appeal must be lodged within 7 calendar days of the date of the assessment result notification to the student.

4.7 If the complaints or appeals process fails to resolve the appeal or the complainant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third party for review, at the request of the complainant.

4.8 All appeals are acknowledged in writing and finalised as soon as practicable.

4.9 FIT Education may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the complainant.

4.10 FIT Education strives to deal with appeal issues as soon as they emerge, in order to avoid further disruption or the need for a formal complaint process.

4.11 All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training.

5 RESOLVING GRIEVANCES

Students or potential students are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk directly with their trainer. Similarly, any issues relating to fees should be discussed first with the Administration Co-ordinator.

If the student has attempted to resolve the issue directly, but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, he/she may discuss the issue with the Student Support Officer. The student may be accompanied by a support person during this process.

CEO will consider the issue and may either suggest a course of action to resolve the issue, or attempt to mediate between the student and the staff member(s) concerned.

If the matter is not resolved informally the grievance may be put to a complaint, whereby the student can complete a Complaint Lodgement Form.

5.1 COMPLAINTS

To commence the formal process, the complainant must complete a Complaint Lodgement Form (available from Administration Co-ordinator). The following information needs to be provided in writing:

a) outline the details of the complaint;
b) supporting information that the complainant wishes to have considered;
c) an explanation of the steps already taken to try to resolve the complaint informally;
d) why the responses received are not considered satisfactory if applicable and
e) what the complainant thinks needs to be done to address his/her concerns

- The Complaint Lodgement Form will be lodged within 7 calendar days. CEO will commence the process of considering the complaint, and will acknowledge receipt of the complaint in writing to the complainant.
- CEO will ensure all steps are taken to resolve the complaint as soon as is practical, with the assessment of all complaints and appeals commencing within 10 working days of lodgement.
- Complaints or appeals wherever possible are to be resolved within 15 working days of the initial application.

5.2 COMPLAINT OUTCOMES - UNSUCCESSFUL

If the complainant is not satisfied with the outcome of their complaint they have the option to seek outside assistance to pursue the appeal. If the overseas student is not successful in our internal complaints handling and appeals process, they must be advised within 10 working days about their rights as an overseas student to access an external complaints handling and appeals process at minimal or no cost. They may wish to contact the International Overseas Student Ombudsman as an independent reference. Contact details:

Mail: Commonwealth Ombudsman, GPO Box 442, Canberra ACT 2601
Phone: 1300 362 072
Online:https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form

If the student remains unhappy with the Internal and External outcome, they may refer the matter to the National Training Complaints Hotline on 13 38 73

5.3 COMPLAINT OUTCOMES - SUCCESSFUL

Should the decision of the internal complaints handling or appeal process or any external process be in favour of the overseas student, that decision shall be implemented immediately. Any resulting recommendation and/or preventive or corrective action required by the decision shall also be taken as soon as practicable. All decisions and changes/actions will be recorded and the student will be notified in writing of the action taken.

5.4 APPEALS

Valid grounds for an appeal against an assessment decision (where the Student feels the assessment decision is incorrect) could include the following:

- The judgement as to whether competency has been achieved and demonstrated was made incorrectly;
- The judgement was not made in accordance with the Assessment Plan;
- Alleged bias of the assessor;
- Alleged lack of competence of the assessor;
- Alleged wrong information from the assessor regarding the assessment process;
- Alleged inappropriate assessment process for the particular competency;
- Faulty or inappropriate equipment; and/or
- Inappropriate conditions.

5.5 APPEAL OUTCOMES

An investigation into an Appeal may result in one of the following outcomes:

a) Appeal is upheld; in this event the following options will be available:
   i. The original assessment will be re-assessed, potentially by another assessor as soon as can be arranged
   ii. Appropriate recognition will be granted forthwith
   iii. A new assessment shall be conducted/arranged without delay (10.4)

b) Appeal is rejected/ not upheld; in accordance with FIT Education assessment policy the Student will be required to:
   i. undertake further training or experience prior to further assessment; or
   ii. re-submit further evidence; or
   iii. submit/undertake a new assessment

5.6 ACTIONING OUTCOMES

Where the complaint or appeal is upheld, FIT Education will implement the required corrective action within 28 days and advise the student in writing of the outcome.

5.7 INTERNAL APPEALS OR COMPLAINTS

- All internal complaints / appeals should be committed in writing at the earliest possible opportunity utilizing the Complaint Form.

- A submitted Complaint Form will constitute a formal complaint/appeal from the student.
- The CEO of FIT Education will be informed through receipt of all student complaints/appeals.
- The CEO of FIT Education may delegate responsibility for the resolution of the complaint/appeal as required.
- In the case of a complaint/appeal, the CEO of FIT Education will initiate a transparent, participative process to deal with the issues at hand.
- Assessment appeals will be processed in accordance with the Appeals Procedure - Annex A.
- Complaints or appeals where ever possible are to be resolved within 10 working days of the initial application.
- Length of time may vary depending on the complexity of the case
- In all cases the final conclusion will be endorsement by the CEO of FIT Education.
- The student will be advised in writing of the outcome of their complaint/appeal.
- If the outcome is not to the satisfactory of the Student, he/she may seek an appointment with the CEO of FIT Education.
- The decision of the CEO of FIT Education will be final. The Student has the option to seek the judgement of an independent assessor if they are not satisfied with the decision of the CEO.
- All grievances, complaints and appeals will be handled in confidence.
- All complaints/appeals will be discussed at Management Review meetings for continuous improvement of the processes.

5.8 Access and Equity

The FIT Education Access & Equity Policy applies. (See Access and Equity Policy)

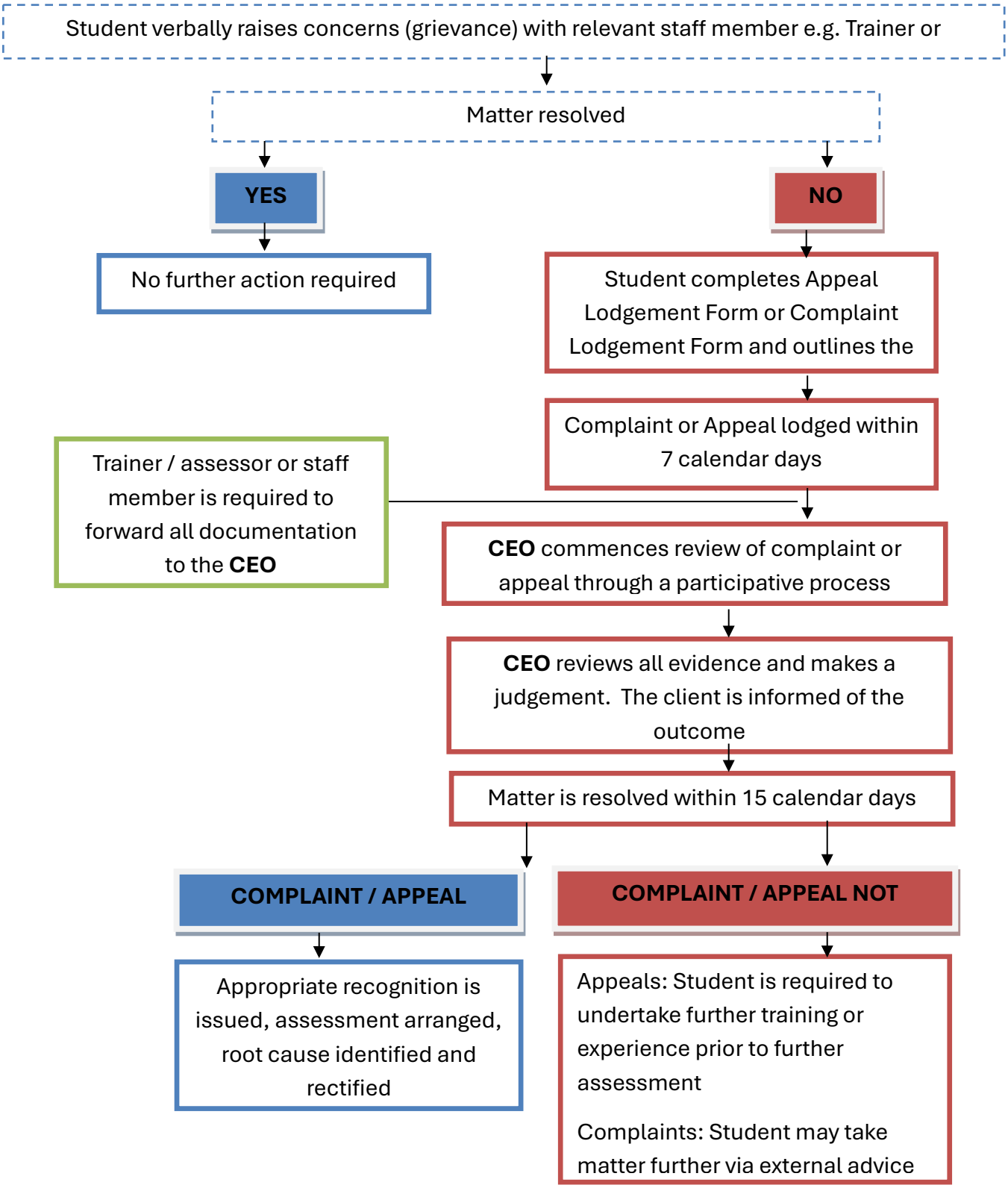
5.9 Records Management

Records of complaints and appeals and their outcomes are maintained securely in accordance with Records Management Policy.

Records of complaints and appeals will include:

- How the issue was dealt with;
- The outcome of the appeal/complaints;
- The timeframes for resolution of the appeal/complaint;
- The potential causes of the appeal/complaint; and
- The steps taken to resolve the appeal/complaint.

Appeals and Complaints Process Flowchart



6 RESPONSIBILITIES

CEO of FIT Education has responsibility for development, review, monitoring, evaluation, implementation and approval of all FIT Education Policies.

CEO of FIT Education is the Appeals Resolution Officer. CEO may delegate responsibility for the resolution of the appeal if necessary.

Details concerning the scope of the Complaints and Appeals Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Student Handbook and FIT Education website.

All complaints and assessment appeal practices and outcomes are monitored by the CEO FIT Education and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

7 RELATED LEGISLATION AND REGULATIONS

- * The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 10
- Standards for Registered Training Organisations (RTOs) 2025
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students Act 2000

8 RELATED POLICIES AND PROCEDURES

- Complaints Procedure
- Appeals Procedure
- Marketing Policy and Marketing Development Procedure
- Education Agent Policy
- Engagement Prior to Enrolment Policy and Procedures
- Formalisation of Enrolment Policy
- Enrolment Procedures

Complaints Procedure: Overseas Students

STEP 1 – Initial Review of Complaint		
No.	**Who**	**Actions**
1.1	**Student**	a) Raises the concern/issue with FIT Education staff.
1.2	**Staff**	a) Attempt to resolve the concern/issue immediately. b) If the matter is successfully resolved, complete the **Complaint Lodgement Form** and submit to Admin for processing.
1.3	**Student** **Student Support Officer** **CEO**	a) If the student has attempted to resolve the issue directly, but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, he/she may discuss the issue with the Student Support Officer. The student may be accompanied by a support person during this process. b) All information relating to the concern/issue is forwarded by SSO to the CEO for consideration. c) The CEO suggests a course of action, or mediates between the student and the person(s) involved to resolve the issue/concern
1.4	**Student Support Officer** **Student**	c) If the concern/issue is not resolved, advise student of their right to make a formal complaint referring them to the Complaints policy. d) Provide student with access to the "**Complaints Lodgement Form".**
1.5	**Administration Co-ordinator**	a) Enter details of Complaint into Student Management system (SMS) b) Enter details of Complaint into **Complaints Register**. c) Note actions on "**Complaints Lodgement Form".** d) Notify CEO of the resolved Complaint. e) File **"Complaints Lodgement Form"** (if appeal resolved) into Student file.

STEP 2 – Lodgement of Complaint		
No.	**Who**	**Actions**
2.1	**Student**	a) Lodges a complaint in writing using the "**Complaints Lodgement form".** b) Submits within seven (7) days of the date of the conern/issue.
2.2	**Administration Co-ordinator**	a) Notify CEO and Course Co-ordinator of the lodged complaint. b) Enter details of complaint into Student Management system (SMS) c) Enter details of complaint into **Complaints Register**. d) Note actions on "**Complaints Lodgement Form".** e) Print and commence "**Complaints Progress Form**". f) Provide all documentation to CEO/PEO for action.
2.3	**Administration Co-ordinator**	a) On receipt of the complaint documentation, acknowledge receipt of the claim, in writing, to the complainant within two (2) working days via email or letter. b) File all documentation in Complaints Active file, which will remain in place until the complaint is resolved.

STEP 3 – Processing the Complaint		
No.	**Who**	**Actions**
3.1	**Course Co-ordinator**	a) Inform any respondent(s) (if applicable) by letter, that a complaint has been received. This letter will be forwarded within 2 (two) working days of receipt of the original formal complaint. b) Implement appropriate resolution techniques to resolve the complaint promptly to the mutual satisfaction of all parties.
3.2	**Course Co-ordinator**	a) Review, investigate and mediate to resolve the complaint within seven (7) days. Actions which may be taken include, but are not limited to: i. Discussing the facts of the complaint with the complainant.

Complaints Procedure: Overseas Students

		ii. Where appropriate and applicable, discuss the complaint with the respondent giving details of the complaint and complainant, whilst observing procedural fairness. iii. Where appropriate and applicable, encourage and facilitate the disputants to engage in mediation on an informal level. iv. Interview all parties individually, including any witnesses. v. Conduct interviews privately and confidentially vi. Where applicable, report the outcome of the meeting with the respondent to the complainant. vii. Seek preferred outcome from each of the parties.
3.3	**Course Co-ordinator**	a) Determine a resolution to resolve the complaint, within FIT Education policies. b) Advise all parties of the outcome of the complaint in writing, within five (5) working days.
3.4	**CEO**	a) Confirm all parties are satisfied with the outcome of the complaint. b) If student is dissatisfied with outcome, advise the student of their right to further progress the appeal through the External Arbitrator within 10 working days.. (See to Step 5) c) Note actions on "**Complaints Progress Form".**

STEP 4 – Finalising the Complaint

No.	Who	Actions
4.1	**Course Co-ordinator**	a) Complete all necessary documentation including the "**Complaints Progress form"**, noting actions and outcomes of the complaints resolution process. b) Place all documentation in the student's complaints file and provide to admin for completion. c) Implement agreed actions and /or administrative arrangements. d) Monitor the learning environment to ensure that the behaviour/incident does not re-occur.
4.2	**Administration Co-ordinator**	a) Enter details of complaint outcome into Student Management system (SMS) b) Enter details of complaint outcome into **Complaints Register**. c) Note actions on and complete the "**Complaints Progress Form".** d) Place all documentation from complaint file onto Student file.
4.3	**CEO**	a) Ensure that the concern/issue, policy and procedures relating to any substantiated complaint is reviewed and progressed through continuous improvement processes, as appropriate

STEP 5 – Referral to External Arbitrator

No.	Who	Actions
5.1	**CEO or Student**	a) Where necessary, Contact and engage the External Arbitrator for a review of the complaint, providing all relevant documentation. b) Cooperate with External Arbitrator for a review of the complaint.
5.2	**External Arbitrator**	a) Review, investigate and mediate the complaint with all relevant parties and make a ruling. b) Prepare a formal written report on the investigation, providing a copy to both CEO FIT Education and complainant. c) FIT Education will abide by any resolutions as recommended by the External Arbitrator.
5.3	**CEO**	a) If the complaint is upheld, go to Step 4.1.
5.4	**CEO**	a) If the complaint is rejected notify the complainant in writing that the original decision is to stand. b) Go to Step 4.1.

Complaints Lodgement Form

SECTION 1 – Personal Details			
Name:		**Title**:	☐ Mr ☐ Mrs ☐ Ms ☐ Miss
Student ID:		**Group No:**	
Email:		**Tel/ Mobile:**	

SECTION 2 – Course / Unit/ Module Details			
Code/Title:		**Date:**	/ /

SECTION 3 – Complainant Declaration

I have read and understood the FIT Education Complaints and Appeals Policy and I declare that the other party to the complaint may be contacted in an attempt to resolve the issue. I agree that FIT Education may conduct independent evaluation checks and that I may be requested to submit further information or attend a meeting to discuss this matter further.

Signature:		**Date:**	/ /

SECTION 4 – Complaint Details

Please tick the following areas to which your complaint relates:

- ☐ Training Materials
- ☐ Training Facilities
- ☐ Training Content/information
- ☐ Training Environment
- ☐ Training – Other
- ☐ Assessment Materials
- ☐ Assessment Facilities
- ☐ Assessment Environment
- ☐ Assessment Location
- ☐ Assessment - Other
- ☐ Services provided
- ☐ Personal conflict/Behaviour
- ☐ Discrimination
- ☐ Victimisation
- ☐ Privacy Breach
- ☐ Other:

Does your complaint involve another person (e.g. Trainer/Assessor/other student)? ☐ YES ☐ NO

If yes, please provide their name:

Does your complaint involve witnesses? ☐ YES ☐ NO

If yes, please provide the name/s and contact details of witnesses who may be contacted to support your claim:

Name: **Address:** **Tel/Mobile:**		**Name:** **Address:** **Tel/Mobile:**	

Please outline the nature/circumstances of your complaint:
What actions have you taken, in an attempt to resolve this matter:
What action/resolution do you consider should occur/be implemented to resolve this matter:

Administration Co-ordinator Use Only				
☐ Complaint Form Received	**Initial**		**Date:**	/ /
☐ Complaint Lodgement recorded	**Initial**		**Date:**	/ /
☐ Letter of Acknowledgement sent	**Initial**		**Date:**	/ /
☐ Complaint Forwarded to CEO	**Initial**		**Date:**	/ /

Note: Use "Complaints Progress Form" to record further actions regarding this Complaint.