

## Contents

Purpose .....	1
Definitions .....	1
Policy.....	2
Procedure.....	5
1. Complaints.....	5
2. Appeals .....	6
3. Independent Reviews by External Party.....	7
Document Control .....	7

## Purpose

The purpose of this policy and procedure is to outline Everest Institute of Education (Ei)'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.

Everest Institute of education (Ei) endeavours to respect the right of students, staff and other members of the community and provide them with a positive environment with transparent and fair complaints and appeal procedure easily accessible to all and includes access to an independent external body if necessary. This policy ensures that all complaints and appeals are addressed promptly and equitably thus increasing satisfaction of students, staff and clients.

This policy and procedure ensures compliance with Chapter 3 Support and Progression - Clause 6 of the Standards for RTO's 2015, as well as compliance with the of the National Code of Practice for Registration Authorities and 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 Everest Institute of Education (Ei) to be reviewed. An appeal is an action taken by a student who is not satisfied with a Complaints decision taken by Everest Institute of education (Ei) and therefore seeks further action. Appeals are lodged and addressed through the Internal Appeals process. If the student is unhappy with the outcome of the Internal Appeal, the student may take the appeal through the External Appeal process. This includes requests to challenge an assessment decision.

**Appellant** A person (student, other student, staff or other staff; other persons) making an appeal

**Advocate** An advocate is a person nominated by a student who may accompany the student and assist them to present their case during informal discussions, or formal relevant meetings or appeal hearing. This person may be a friend, family member or relative or a counselor but not a legal practitioner or a HIC staff member.

**Complaint** means a person's formal expression of dissatisfaction with any product or service provided by Everest Institute of Education (Ei). A complaint may relate to the following issues:

- Academic matters such as
  - structure and content of academic programs,
  - academic progress,
  - assessment,
  - curriculum issues,
  - awards.
- Non academic matters such as
  - general administrative issues, privacy matters

## **International Students**

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**Complainant** A person (student, clients and/or staff) making a Complaint

**DET** means Department of Education and Training

**Formal complaint or appeals process** as outlined in Standard 8 ESOS National Code part D is the process which takes place if a grievance cannot be resolved informally (for example, through affected parties discussing the matter).

**Natural justice and Procedural fairness:** The opportunity to be heard by an impartial decision maker. There are three basic principles that must be followed/adhered to which are commonly known as the hearing rule; the bias rule and the no evidence rule. Satisfying the rules of natural justice and procedural fairness will vary according to the specific circumstances.

**Privacy:** Means information protected under the Information Privacy Act (Vic) in accordance with the HIC's Privacy Policy and Procedure.

**PRISMS** means Provider Registration and International Students Management System

**Respondent:** A person who must respond to the Appeal on behalf of the HIC.

**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

**Support Person:** Means an observer who accompanies an appellant during the Complaint/Appeal process

## **Policy**

1. Everest Institute of Education (Ei) responds to all allegations involving the conduct of:
  - The RTO, its trainers and assessors and other staff
  - Any third party providing Services on behalf of Ei
  - Any student or client of Ei
2. Complaints may be made in relation to any of Everest Institute of Education (Ei)'s services and activities such as:
  - the application and enrolment process
  - marketing information
  - the quality of training and assessment provided
  - training and assessment matters, including student progress, student support and assessment requirements
  - the way someone has been treated
  - the actions of another student
3. Appeals should be made to request that a decision made by Everest Institute of Education is reviewed. Decisions may have been about:
  - course admissions
  - refund assessments
  - response to a complaint
  - assessment outcomes / results
  - other general decisions made by Ei

**International Students**

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4. Everest Institute of Education (Ei) 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, Ei ensures that complaints and appeals:
  - Are responded to in a consistent and transparent manner
  - Are responded to promptly, 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.
5. Everest Institute of Education (Ei) will maintain a record of all complaints and appeals and their outcomes on the *Complaints and Appeals Register*.
6. 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.

**Making a complaint of appeal**

7. Complaints about a particular incident should be made within ninety (90) calendar days of the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.
8. Complaints and appeals should be made in writing using the *Complaints and Appeals Form*, or other written format and sent to Everest Institute of Education (Ei)'s head office at **479 King Street, West Melbourne, VIC 3003** addressed to the Institute.

Your complaint or appeal will be acknowledged in writing. When making a complaint or appeal, provide as much information as possible to enable Ei 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.
9. Some or all members of the management team of Everest Institute of Education (Ei) will be involved in resolving complaints and appeals as outlined in the procedures.
  10. 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. Additionally, where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
  11. Complaints and appeals will be finalised within thirty (30) calendar days unless there is a significant reason for the matter to take longer. 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 as the matter is resolved.
  12. The enrolment status of student will be handled as follows:
    - Ei 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 Ei maintains the student's enrolment as follows:
      - If the appeal is against Ei'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 Ei's decision to report.

**International Students**

- If the appeal is against Ei's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, Ei will notify DET via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process

**Independent Parties**

**13.** Everest Institute of Education 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 unless the decision to include an independent party was made by Ei. (You can change this if you like so that either the individual pays or the organisation pays – as long as this is made clear)

- For international students, the independent party is the Overseas Students Ombudsman. 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). This service is free of charge.
- Ei 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.

**External complaint avenues**

**14.** Complaints can also be made via the following avenues:

- National 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: [skilling@education.gov.au](mailto:skilling@education.gov.au)

For more information about the National Complaints Hotline, refer to the following webpage: <http://www.industry.gov.au/skills/nationaltrainingcomplaintshotline/Pages/FrequentlyAskedQuestions.aspx#>

- Australian Skills Quality Authority (ASQA):

Complainants may also complain to Ei's RTO's registering body: Australian Skills Quality Authority (ASQA).

However, ASQA's will only use the information you provide to inform its regulatory approach and will not contact us on your behalf or act as your advocate. For more information, refer to the following webpage:

<http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>

- Nothing in this policy or corresponding procedure inhibits the student or staff's right to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies; however these expenses will be borne by the student. Students wishing to take this course of action are advised to: Contact a solicitor; or Contact the Law Institute of Victoria for a referral to a solicitor (470 Bourke St Melbourne, ph: 9607 9311, [www.liv.asn.au](http://www.liv.asn.au)); or Contact one of the following legal aid providers: Legal aid Victoria at ph 1300 792 387, [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

**International Students**

**Procedure**

**1. Complaints**

Procedure	Responsibility
<p><b>A. Receive and acknowledge complaint</b></p> <ul style="list-style-type: none"> <li>• As per policy, complaints are to be made in writing by the complainant, attention to the CEO.</li> <li>• The CEO should review all complaints upon receipt.</li> <li>• Acknowledge receipt of complaint in writing by sending a letter to complainant within 3 working days of receipt. Use <i>Complaint/Appeal Acknowledgement Letter</i>.</li> <li>• Record details of the complaint on the <i>Complaints and Appeals Register</i>.</li> <li>• Commence process of investigation within 10 days of receiving the complaint.</li> </ul>	<p>Director of Operations Administration Department</p>
<p><b>B. Investigate the complaint</b></p> <ul style="list-style-type: none"> <li>• Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete.</li> <li>• Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face to face, the complainant may be accompanied by a support person.</li> <li>• If the matter is in relation to a third party delivering Services on behalf of the RTO, the third party should be involved in the resolution of the complaint.</li> <li>• The CEO will review the information and decide on an appropriate response. Where deemed necessary by the CEO, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution.</li> <li>• Note: The complaint must be completely resolved within 60 calendar days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing along with reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved.</li> </ul>	<p>Director of Operations Administration Department</p>
<p><b>C. Advise of the outcome and update records</b></p> <ul style="list-style-type: none"> <li>• Provide a written response to the complainant outlining: <ul style="list-style-type: none"> <li>– The RTO’s understanding of the complaint</li> <li>– The steps taken to investigate and resolve the complaint</li> <li>– Decisions made about resolution, with reasons for the decisions made</li> <li>– Areas that have been identified as possible causes of the complaint and improvements to be recommended</li> <li>– Their right to access the appeals process if they are not satisfied with the outcome of the complaints process.</li> </ul> </li> <li>• Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the complaint.</li> </ul>	<p>Director of Operations Administration Department</p>

## International Students

Procedure	Responsibility
<ul style="list-style-type: none"> <li>Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome.</li> <li>Keep a copy of the complaint and supporting documents in the Complaints file and in the student or staff file (where relevant).</li> <li>Discuss the complaint and its outcome at the next management meeting.</li> </ul>	

## 2. Appeals

Procedure	Responsibility
<p><b>D. Receive and acknowledge appeal</b></p> <ul style="list-style-type: none"> <li>As per policy, appeals are to be made in writing by the appellant, attention to the CEO.</li> <li>The CEO should review all appeals upon receipt.</li> <li>Acknowledge receipt of appeal in writing by sending a letter to appellant within 3 working days of receipt. Use <i>Complaint/Appeal Acknowledgement Letter</i>.</li> <li>Record details of appeal on the <i>Complaints and Appeals Register</i>.</li> </ul>	Director of Operations Administration Department
<p><b>E. Respond to assessment appeals</b></p> <ul style="list-style-type: none"> <li>In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again.</li> <li>The assessment decision made during the appeals process will be considered the actual assessment outcome for the task.</li> <li>Advise the student of the outcome of the appeal as per point G below.</li> </ul>	Director of Operations Administration Department
<p><b>F. Respond to appeals against non-academic decisions</b></p> <ul style="list-style-type: none"> <li>Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision.</li> <li>Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.</li> <li>The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, Ei may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This will be at Ei's cost.</li> <li>The relevant department will review all information and decide on an appropriate response.</li> <li>Note: The appeal must be resolved within 60 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved.</li> </ul>	Director of Operations Administration Department
<p><b>G. Advise appellant of the outcome and update records</b></p> <ul style="list-style-type: none"> <li>Provide a written response to the appellant outlining: <ul style="list-style-type: none"> <li>The RTO's understanding of the reasons for the appeal</li> </ul> </li> </ul>	Director of Operations Administration Department

## International Students

Procedure	Responsibility
<ul style="list-style-type: none"> <li>– The steps taken to investigate and resolve the appeal</li> <li>– Decisions made about resolution and reasons for the decisions</li> <li>– If relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended</li> <li>– Their right to, and information on, the external appeals process.</li> <li>– For international students, the effect on their enrolment status (see enrolment status in policy – 10)</li> <li>• Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the appeal.</li> <li>• Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome.</li> <li>• Keep a copy of the appeal and supporting documents in the Complaints file and in the student or staff file (where relevant).</li> <li>• Discuss the appeal and its outcome at the next management meeting.</li> </ul>	

### 3. Independent Reviews by External Party

Procedure	Responsibility
<ul style="list-style-type: none"> <li>○ <b>External complaint or appeal</b> <ul style="list-style-type: none"> <li>• If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal.</li> <li>• Additionally, a complainant or appellant who has been through the internal processes may request Ei to appoint an independent party to review the matter. <ul style="list-style-type: none"> <li>○ For domestic students, the independent party is recommended by Ei, however complainants and appellants are able to use their own external party at their own cost.</li> </ul> </li> <li>• For international students, the independent party is the Overseas Students Ombudsman.</li> <li>• Ei will co-operate fully in the process of the external party to investigate and review the matter. This will include and not be limited to providing full access to the relevant student file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them.</li> <li>• Where the decision of the external party supports Ei, the RTO will notify DET via PRISMS of the change in enrolment status.</li> </ul> </li> </ul>	<p>Director of Operations Administration Department</p>

## Document Control

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