

Australian College of Business Intelligence

COMPLAINTS AND GRIEVANCES

Policy and Procedures Manual

Issue History

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Introduction

1. Definitions

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| ESOS Act | Formally known as the Education Services for Overseas Students Act 2000 and regulates providers who deliver courses to overseas students |
| ESOS Framework | Protects the rights of international students who study in Australia based on the ESOS Act, ESOS Regulations, Registration Charges and National Code |
| Grievance | Any concern, difficulty or problem that a student or staff member has concerning their studies, the learning environment or any member of the Institute |
| National Code 2018 | Formally known as the National Code of Practice for Providers of Education and Training to Overseas Students 2018, this sets out the national standards and procedures for registered providers |
| Overseas Student | A person (whether within or outside Australia) who holds a student visa as required by the ESOS Act |

2. Purpose

It is the policy of ACBI to ensure students study in a friendly environment, free from any forms of coercion, unfair treatment, victimisation, harassment or bullying. All complaints and grievances, whether caused by a fellow student or staff member, will be handled professionally and confidentially with the aim of achieving a satisfactory resolution as soon as possible.

3. Responsibilities and Authorities

The Chief Executive Officer has the responsibility for ensuring that all policies and procedures are made available for use by the staff and where appropriate, the students either by reference in hard copy or via the company website.

All prospective students will have access to this procedure before they enrol.

Managers and other designated staff are responsible for responding to complaints in an appropriate manner. They also have the responsibility for ensuring that the staff and students involved in the complaint resolution processes understand their rights and responsibilities in relation to this policy.

The officer in charge of the Complaints and Grievances process is responsible for documenting all actions and outcomes in a Complaints and Grievances Form (paper or digital).

Nothing in this Complaints and Grievances Policy limits the rights of students to take action under Australia's Consumer Protection laws. Also, ACBI's dispute resolution procedures do not circumscribe student's rights to pursue other legal remedies.

4. Disciplinary Procedures

ACBI at all times attempts to provide its training and assessment in a spirit of co-operation and mutual respect. There will be times however when a disciplinary action will be taken to ensure the safety and well-being of participants and employees.

ACBI students will be informed of the disciplinary procedures in the "Student Handbook". All staff will be required to make themselves aware of the procedures, should they become necessary to implement.

Examples of when disciplinary action may be taken include when a student:

- Breaches of visa requirements
- Consumes on, or brings onto, the premises of ACBI any drug of addiction or dependence (except drugs prescribed by a qualified medical practitioner).
- Exhibits behavior adversely affected by the influence of drugs or alcohol.
- Damages or removes any property or resource of the ACBI or any training venue hired by the ACBI.
- Assaults (physically or verbally) any person on the premises of the ACBI or any training venue hired by the ACBI.
- Fails to comply with any instruction by a member of The ACBI staff relating to the safety of any person on the premises.
- Exhibits conduct whilst on the ACBI premises that is considered to be aggressive, disorderly, disruptive, discriminating, harassing or interferes with the comfort, safety or convenience of any person who is acting lawfully and entitled to be present.
- Enters any part of the ACBI premises or any other place to which participants have access for the purpose of training and assessment, when not entitled to do so, or having entered, refuses to leave.

When disciplinary action is required the Academic Manager or Course Coordinator will contact the student to discuss the issue or behaviour and to determine how the matter might be rectified. This will be documented, signed by all parties and included on the student's personal file.

Where the behaviour continues the Academic Manager will counsel the participant and issue a final warning in writing with a time frame in which the student has the opportunity to rectify the matter. A copy of this warning will be kept on the participant's record.

In the event that the behaviour continues beyond the written warning, training services will be withdrawn from the student who will be notified in writing that their enrolment has been terminated with advice being given to DIBP as required by the legislation.

If a participant wishes to express a grievance in relation to the disciplinary action taken, they have the opportunity to follow the complaint and appeals process.

5. Internal Complaints and Grievances Process

ACBI will adhere to the National Code of Good Practice for Responding to Complaints about Vocational Education and Training Quality at all times.

All issues, concerns and complaints within ACBI are handled through a process called a **complaint**. The complaints process must start within ten days of the complaint being lodged and will be at no cost to the complainant. The complainant will have their enrolment maintained during the complaints process.

Where verbal complaints are heard, they can be discussed with staff and preferably resolved. If there is a need to formalise the issue or to define the outcome, then the complaint can be documented on either the student data management system, Complaints and Grievances Form or a Continuous Improvement Request, either by the person initiating the complaint or by a relevant member of staff.

All complainants must be identified. They cannot be anonymous because this is considered unfair and ongoing discussion cannot take place to resolve the issue. Information submitted to a staff member is to be treated with respect and to be taken in a positive way.

ACBI has three steps to cater for any internal complaints, issues or appeals. The process is stated below according to the severity of the complaint:

| Step 1 – Informal Internal Complaint Stage | |
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| We encourage students to first attempt to submit an informal complaint by directly talking to the appropriate staff member or student to whom the complaint or issue relates to | |
| Academic Complaints | This refers to any complaints that relate to learning, teaching or assessment issues. The College encourages that this issue be discussed with your teacher or trainer first. If this still cannot be resolved please see or contact the Academic coordinator academics@acbi.edu.au or learningsupport@acbi.edu.au |
| Administrative Complaints | This refers to any complaints that relate to the general management of ACBI, please see or contract Student Support studentsupport@acbi.edu.au |
| Personal or Welfare Complaints | This refers to any complaints that relate to your security, safety and well-being within the College, please see or contact Student Support studentsupport@acbi.edu.au However, issues that relate to your immediate safety and |

security, please see any staff member or security guard for assistance

Serious Complaints

This refers to any complaints that relate to inappropriate misconduct or behaviour of a student, staff member, teacher or trainer, please see or contact the College's Principal fabio.mejia@acbi.edu.au

Complaints that do not fall in the above categories as an informal complaint should consider the process for a formal complaint as stated in Step 2 below.

Step 2 – Formal Internal Complaint Stage

Your role in submitting a formal complaint:

1. Your complaint must be in **written form** through a **Complaints and Grievances Form** which can be downloaded online or collected from reception. Ensure that the complaint is detailed and the attachment of any necessary documentation is allowed.
2. Send your completed form to the Chief Executive Officer xiang.luo@aibi.edu.au

Our role as the College in response to your formal complaint:

1. The College will investigate your complaint, appeal or issue no later than 10 days after you have submitted your form.
2. You will have the opportunity to discuss your complaint in a formal meeting with the Chief Executive Officer xiang.luo@aibi.edu.au You are able to bring a support person with you.
3. If the complaint involves another person, they will also be given an opportunity to provide a response to your complaint against them.
4. You will receive a written notice of any decision made, you may appeal the decision.
5. If the complaints by a student are substantiated, these ultimately must be recorded on a Continuous Improvement Request and submitted to the Chief Executive Officer for registration and action.

If a complainant is still unsatisfied with the decisions made internally, the student is able to lodge an external complaint or appeal. Consider step 3 below.

Step 3 – Formal External Appeals and Complaints Stage

ACBI can seek

Complainants are able to contract LEADR, the Association of

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| <p>the services of an independent mediator LEADR</p> | <p>Dispute Resolvers and can be contacted below through:</p> <p>Address: Level 1, 13-15 Bridge Street, Sydney NSW 2000 Phone: 02 9251 3366 Freecall: 1800 651 650 Fax: 02 9251 3733 Email: infoaus@leadriama.org</p> <p>ACBI will give due consideration to any recommendations arising from the external review of the grievance within 30 days of receipt of the recommendations.</p> |
| <p>Student may complain to ASQA</p> | <p>The Australian Skills Quality Authority (ASQA) only deals with complaints about:</p> <ul style="list-style-type: none"> ○ The information provided to the student by an RTO about the course/s they are interested in; ○ Delivery and assessment of the training the student has received; and ○ The qualifications the student has or have not been issued <p>To make a complaint, students are to complete the ASQA Online Complaint form located on the ASQA website http://www.asqa.gov.au/</p> <p>Staff are to provide assistance to students during the complaint handling process</p> |
| <p>Student may complain to Overseas Student Ombudsman</p> | <p>The Overseas Students Ombudsman will investigate any complaints concerning overseas students and their education providers</p> <p>Contact them at www.osos.gov.au or phone 1300 362 072.</p> |

Students should be advised that once students engage in an external appeal process, the College may be obligated to release a student’s private and/or personal information. By seeking external appeal procedures, the student has therefore consented to this disclosure of information.

6. Complaint Process Procedure for Staff

Overview

All complaints should be regarded as feedback and helpful to us to improve our systems. The handling of a complaint or appeal is to commence within 10 working days of the lodgement of the complaint or appeal and all reasonable measures are taken to finalise the process as soon as possible.

Detailed procedure for staff:

1. Staff will, where possible, fill out the form for the student as it is considered vital feedback from them. Staff will read what has been written with the student and

check the student agrees and then both sign it.

2. In some cases when staff can resolve the issue. In that case, staff should:
 - a. enter brief information in the student data management system and
 - b. also fill out a Complaint Resolution Form – a copy of this is given to the student
3. If the staff member needs to pass the feedback on to another staff member, then the second staff member should
 - a. fill out the Complaint Resolution Form and
 - b. make sure it gets passed back to the student with action taken.
4. The Chief Executive Officer or delegate is to finalise his or her response to the complainant and provide the complainant a response as soon as possible but no later than 10 working days from when the complaint is received.
5. The Chief Executive Officer or delegate is to communicate the response to the complainant personally either during a meeting or via the telephone. Complaint responses are not to be provided to the complainant via any third-party or via electronic communication such as e-mail. The Chief Executive Officer or delegate is to seek feedback from the complainant about their level of satisfaction with the complaint outcome and advise the complainant of their options if they are not completely satisfied with the outcome.

7. Unsatisfactory Course Progress / Attendance

If a student is facing unsatisfactory course progression or attendance, the College is obligated to report this student. Once a student is reported, this may impact their visa. However, there is a process in which the College must follow:

1. A student will receive a written notification informing them about an Intention to Report and will be given **20 working days** to obtain the College's internal Complaints and Grievances Process as aforementioned.
2. The **20 working days** will start from the day the student has received this notification
3. If a student fails to obtain the College's Internal Complaints and Grievances Process within the given 20 working days then the College will report the student without further notice
4. However, if a student has responded through the Complaints and Grievances Process, the College will continue the student's enrolment until a thorough completion of the Complaints and Grievances Process in which if the student is still required to be reported

8. Cancellation or Suspension of Student' s Enrolment

If a student has failed to pay their fees or other monies or has engaged in misbehaviour, then the College has the right to either cancel or suspend a student's enrolment. The College will take the following steps to cancel or suspend a student's enrolment:

1. A student will receive a written notification concerning the College's proposed cancellation or suspension of the student's enrolment. From here the student is given **20 working days** to obtain the College's Internal Complaints and Grievances Process
2. The **20 working days** will start from the day the student has received this notification
3. If a student fails to obtain the College's Internal Complaints and Grievances Process within the standard **20 working days** then the College is entitled to cancel or suspend the student's enrolment without further notice
4. Nonetheless, if a student has responded through the Complaints and Grievances Process, the College will continue the student's enrolment until a thorough completion of the Complaints and Grievances Process in which if the student is still required to be reported

9. Appeal of VET assessment

ACBI maintains a supportive and fair environment, which allows VET training participants to appeal their assessments and recognition decisions provided this is done within seven working days of the assessment date.

NOTE : Before review, both the assessor and the appellant should read the appeals process as defined in these procedures and the Student Handbook.

The appeal should be resolved as amicably as possible using this formal appeal process. In the first instance, the student is to discuss the matter with the trainer.

If this does not resolve the matter, or if the trainer does not agree with the basis of the appeal, then the student should appeal to the Academic Manager or Course Coordinator using the Assessment Appeals Form. The appeal should be made within seven working days of the original assessment decision being advised to the student.

The trainer/assessor should submit details of the student's appeal to the Academic Manager using the Continuous Improvement Form within seven working days of the original assessment decision being advised to the student.

The Academic Manager should assemble the following information or documents:

- Past Student record
- Attendance registers
- Assessment tools and assessment data
- Any other supporting documents

The Academic Manager will review all the documentation and discuss the appeal with the student and the trainer/assessor within five working days. If the Academic Manager

is unable to resolve the appeal then the matter is to be referred to an independent assessor to whom the student may present their case.

The Academic Manager should then consider the recommendations of the independent assessor and communicate the finding to the student and the trainer.

If the issue cannot be resolved to their satisfaction the student may make a formal submission to the Chief Executive Officer for a review by an independent third party.

The submission and the final outcome of the appeal must be recorded and communicated to all parties in writing. The communication must contain the outcome of the appeal and the reasons for the decisions made, the actions to be taken and a copy retained on the student's file.