

Version	4.0
Last Amended	23 February 2018
Approved By	CEO
Date Approved	23 February 2018
Reference	Complaints and Appeals Policy and Procedures v4.0

## Complaints and Appeals Policy and Procedures

### 1 Purpose:

Despite all the efforts of Windsor to provide satisfactory services to its students and other clients, complaints and appeals may occasionally arise, requiring informal or formal resolutions. This policy aims to provide an accessible mechanism for students to have their complaints and appeals attended; and to ensure that resolutions are reached within timely manner.

This policy aims to manage and respond to allegations involving the conduct of:

- a) Windsor, its trainers, assessors or other staff;
- b) Windsor trainers, assessors or other staff
- c) Windsor student; or
- d) Windsor authorised agents/ if applicable other third parties that provide services on behalf of Windsor.
- e) Windsor's complaints policy and appeals policy ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process.

### 2 Policy Statements

1. The College has and implements this documented complaints and appeal policy and procedure and provide students with independent, comprehensive, free and easily accessible information about that process and policy.
2. The College's Complaints and Appeals Policy and Procedures:
  - a. ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
  - b. are publicly available
  - c. set out the procedure for making a complaint or requesting an appeal
  - d. ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and
  - e. provide for review by an appropriate party independent of the college and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
3. This policy will manage and respond to complaints involving the College, its staff including trainers, assessors or other staff, students and a third party providing services on behalf of the College.

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4. This policy will also manage the requests for reviews of decisions, including assessments decisions made by the College or third party arrangements if applicable.
5. The College's internal complaints handling and appeals processes must:
  - a. include a process for students to lodge a formal complaint or appeal if a matter cannot be resolved informally
  - b. include that the College will respond to any complaint or appeal a student makes regarding his or her dealings with the College, the College's education agents or any related party the College has an arrangement with to deliver the student's course or related services
  - c. commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the College's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable
  - d. ensure the student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings
  - e. conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
  - f. ensure the student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
  - g. keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.
6. If the student is not successful in the College's internal complaints handling and appeals process, the College will advise the student within 10 working days of concluding the internal review of the student's right to access an external complaints handling and appeals process at minimal or no cost. The College must give the student the contact details of the appropriate complaints handling and external appeals body.
7. If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the student, the College will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action.
8. The College has arrangements in place for a person or body independent of and external to the College to hear complaints or appeals arising from the College's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
9. If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the College will advise the student of his or her right to access the external appeals process at no cost.
10. If the student chooses to access the College's Complaint and Appeals processes, the College must maintain the student's enrolment while the complaints and appeals process is ongoing.
11. This policy will ensure that if there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action, this will be reported to the College's management meeting, managed and implemented as part of the College's continuous improvement process to take corrective action to eliminate or mitigate the likelihood of reoccurrence. This will all be noted on the College's Continuous Improvement Register.
12. Where the College considers more than 60 calendar days are required to process and finalised the complaint, the College will:
  - Inform the complainant in writing as to why more than 60 calendar days are required and
  - Regularly update the complainant on the progress of the matter
13. The College:

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- securely maintains records of all complaints and appeals and their outcomes
- identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

### 3 Scope

This policy applies to:

- Students enrolled at Windsor
- Windsor Marketing, Admissions, Academic, Student Services and Administrative staff.

All staff are made aware of the requirements of this policy through staff induction, regular meetings, staff updates and continuous improvement practices. Students are made aware of this policy through Student Prospectus, the College's website, Student Handbook, and during the enrolment and orientation processes.

### 4 Procedure

#### 1. Informal Process

Where possible all non-formal attempts shall be made to resolve the complaints. This may include advice, discussions, and general mediation in relation to the issue and the student's complaint. Any staff can be involved in this informal process to resolve issues but student support team is the preferred contact for students.

Matters dealt informally will not be documented unless Windsor's staff determines that the matter is relevant to wider operation.

#### 2. Formal Process

Students who are not satisfied with the outcome of informal handling of their complaints may use the formal approach by using the Windsor's Complaints and Appeals form within 20 working days after the incident has occurred. This form can be accessed from reception or via Windsor's website (<http://windsorcollege.edu.au/>).

#### 2.1 General Complaints

- All complaints or appeals should be submitted at the reception. Administrative Officers will deal with the complaints in the first instance and will ensure that all the fields of the Complaint and Appeals Form are properly filled by the complainant. This include the following information:
  - Submission date
  - Name of complainant / Appellant

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- Details description of complaint / appeal
- Attachments (if applicable);
- Details of the complaint will be entered into the 'Complaints and Appeals log book' by the Administrative Officers are monitored by the 'Director of Studies' regularly. The information to be contained and updated within the register is as follows:
  - Submission date of complaint
  - Name of complainant / Appellant
  - Description of complaint / appeal
  - Determined Resolution; and
  - Date of Resolution.
- **Once the Director of Studies receives a complaints/appeals form, written acknowledgement will be sent to the complainant within 7 days of receipt (Appendix 2).**
- The 'Director of Studies' shall then refer the matter to the appropriate staff to resolve and ensure that the resolution process begins within 10 working days from the date of receipt of the complaints and appeals form. Windsor will endeavour to conclude the process within the reasonable timeframe.
- Once the process is completed, the 'Director of Studies' shall then inform the complainant of any decisions or outcomes concluded in writing and the reasons for the outcome at its earliest.
- Copies of all documentation, outcomes and further action required will be placed into the 'complaints and appeals logbook' and a copy is kept in student's file.
- The notification letter of the outcome shall also state that students have the right to access Windsor's appeal procedure if they are not satisfied with the outcome of their complaint.
- If a student is dissatisfied with Windsor's decision, he or she can use Windsor's appeals process using the Complaints and Appeals form.

### 3. Appeals Process

#### 3.1 Internal Appeals

All students have the right to appeal decisions made by the Windsor staff members within 20 working days after the incident has occurred. Appeals may arise of many sources including decisions made on:

- Assessments
- Reported breaches of academic performance
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment

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- Or any other conclusion that is made after a complaint has been dealt by the Windsor in the first instance.
- To activate the appeals process the student is required to complete the Complaints and Appeals form and forward it to the reception in person or via email.
- Students are required to clearly explain the reason for appealing a decision in the form and attach any relevant supporting documents. Assistance with this process can be gained from student support team at all times.
- Once the completed form is received, Administrative Officers will forward the form to the 'Director of Studies' who shall organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate. The College will appoint a person or body to hear the appeal and propose a final resolution. This person or body must not be the same as any person or body that heard the original complaint.
- The process for all appeals will begin within 10 working days of the appeal being lodged.
- Where an appeal has been lodged, it will be defined into one of the following categories and the appropriate procedures followed:

### 3.1.1 General appeals

- Where a student would like to appeal a decision or outcome of a formal complaint, they are required to notify the Windsor in writing using the Complaints and Appeals form within 20 working days from the Windsor's decision notification date. Any supporting documentation should also be submitted with the form.
- The complaints and appeals form shall be lodged at the reception. The Administrative Officers will forward the documentation to the 'Director of Studies' who will ensure the details of the appeal are added to the 'complaints and appeals logbook'.
- Once the Director of Studies receives a complaints/appeals form, written acknowledgement will be sent to the appellant within 7 days of receipt (Appendix 2).
- The student shall be notified in writing of the outcome by the Director of Studies and the 'complaints and appeals logbook' updated by the Administrative Officers.

### 3.1.2 Assessment appeals

- Where a student 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.

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- If this is still not to the student's satisfaction the student shall formally lodge an appeal by submitting the Complaints and Appeals form outlining their reasons for the appeal. They shall lodge this in reception.
- The 'Director of Studies' shall be notified and shall seek details from the assessor involved and any other relevant parties and make appropriate notes in Complaints and Appeals logbook. A decision shall be made regarding the appeal either indicating the original assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another assessor appointed by the Windsor.
- The student shall be notified in writing of the outcome and the 'complaints and appeals logbook' updated.

### 3.1.3 Appealing Windsor's decisions of reporting breach of academic or attendance requirements to the ESOS Agency and Department of Home Affairs

- Where a student wishes to appeal against the Windsor's decision of reporting the student to The ESOS Agency and Department of Home Affairs via PRISMS for a breach of academic or attendance requirements, the student shall lodge his / her appeal by submitting the Complaints and Appeals form outlining the details / reasons supporting their appeal at the reception / student administration department.
- The student should have extenuating circumstances as to why they have breached their requirements and must be able to provide evidence of these circumstances.
- The 'Director of Studies' shall be notified and shall seek details regarding the initial documentation of the breach and shall make a decision based on the grounds of the appeal. All details pertaining to the appeal process should be updated into the 'Complaints and appeals logbook'.
- The decision is then conveyed to the student in writing and all relevant documents are kept in student's file.
- Where a student has decided to access the appeals process in relation to the reportable breach, the Windsor will not report the breach and enrolment will be maintained until the appeals process has been completed.

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

- Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment they are required to lodge the Complaints and Appeals form outlining the details of their appeal. The student should have extenuating circumstances as to why the decision should be reviewed and any supporting documentation supporting their appeal.

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- The appeal shall be lodged this in the reception and the appeal shall be entered into the 'Complaints and Appeals logbook'.
- The 'Director of Studies' 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 student shall be notified in writing of the outcome and the 'complaints and appeals logbook' updated.
- Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, the Windsor will not update the student's status via PRISMS and will maintain the enrolment until the appeals process is completed.

### 3.2 External Appeals

- If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, student may wish to access an external independent / third party mediator. Where this is the case, the matter shall be referred to the following person / organisations at no cost to the student:

**Dispute Settlement Centre Victoria**

4/456 Lonsdale St, Melbourne VIC 3000

Tel: 1300 372 888

**Email:** [dscv@justice.vic.gov.au](mailto:dscv@justice.vic.gov.au)

**National Training Complaints Hotline**

The National Training Complaints Hotline is a joint initiative between the Commonwealth, state and territory governments. Anyone with a complaint or query about the training sector now has one number to call, so they can report a complaint and have it referred to the right authority for consideration.

○ **How to make a complaint**

Consumers can register a complaint with the National Training Complaints Hotline by:

Phone: 13 38 73 (please select option 4), Monday–Friday, 8am to 6pm nationally.

**OR**

**Overseas Students Ombudsman (For international students only)**

If students wish to lodge an external appeal or complain about this decision, they can contact the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider.

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See the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone **1300 362 072** for more information.

**Email:** [overseas.students@ombudsman.gov.au](mailto:overseas.students@ombudsman.gov.au)

**Call:** 1300 362 072\* within Australia. Outside Australia call +61 2 6276 0111.

Enquiries 9am to 5pm Monday to Friday (AEDT)

**Fax:** 02 6276 0123 within Australia. Outside Australia +61 2 6276 0123.

**Postal:** GPO Box 442 Canberra ACT 2601.

- Student may request Windsor to assist with the external appeal lodgement.
- The decision of this independent mediator is final and any further action the student wishes to take is outside the Windsor's policies and procedures.

## 5 Implementation

- Where a decision or outcome is in favour of the student, the Windsor will **immediately** implement the decision.

### Note:

- The student can contact Department of Education and Training through the ESOS helpline **1300 615 262** at any point, including after he or she has exhausted the provider's internal appeals process and the external appeals process.
- Windsor's complaints and appeals policy does not inhibit student's rights to pursue other legal remedies at any point during or after the implementation of procedure.
- Student can also contact Study Melbourne Student Centre (SMSC). SMSC provides vital support to international students experiencing difficulties during their studies in Victoria. It provides friendly and professional advice, information, support and referral to local services and community resources.

### Study Melbourne Student Centre

599 Little Bourke Street, Melbourne 3000

Email: [info@studymelbourne.vic.gov.au](mailto:info@studymelbourne.vic.gov.au)

Website: <http://www.studymelbourne.vic.gov.au/help-and-advice/support-services/study-melbourne-student-centre>

Phone: 1800 056 449 (free call from landline phones)

Office hours are Monday – Friday from 9am-5pm.

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## 6 Related Standard

This policy/procedure supports 'Standard 10' of the ESOS National Code 2018, and 'Standard 6' of Standards for Registered Training Organisations (RTOs) 2015.

## 7 Related Documents/Forms

1. Complaints/Appeals Form
2. Complaints and Appeals Log

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