

# SC4: Complaints and Appeals Policy

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## Policy

### 1. Nature of complaints and appeals

- SHIC 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 SHIC and including education agents.
  - Any student or client of SHIC.
- Complaints may be made in relation to any of SHIC'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
- An appeal is a request for a decision made by SHIC to be reviewed. Decisions may have been about:
  - course admissions
  - refund assessments
  - response to a complaint
  - assessment outcomes / results
  - other general decisions made by SHIC

### 2. Principles of resolution

- SHIC 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, SHIC 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.
- SHIC 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 SHIC 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 or appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within twenty (20) business days of the original decision being made.

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- Complaints and appeals should be made in writing using the *Complaints and Appeals Form*, or other written format and sent to SHIC's head office at Level 3 - 271- 281 Bourke St Melbourne addresses to Chief Executive Officer.

When making a complaint or appeal, provide as much information as possible to enable SHIC 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 20 business 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 that the matter is resolved.

### 5. Resolution of complaints and appeals

- Some or all members of the management team of SHIC 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.
- 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 domestic students that choose to access this policy and procedure, SHIC will maintain the student's enrolment while the complaints and appeals process is ongoing.
  - For international students, SHIC 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 SHIC maintains the student's enrolment as follows:
    - If the appeal is against SHIC'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 SHIC's decision to report.
    - If the appeal is against SHIC's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, SHIC will notify DET via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process

### 6. Independent Parties

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- SHIC 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. This may be either via an independent party or via an external complaint avenue. Costs associated with independent parties to review a matter will be covered by SHIC (The independent party recommended by SHIC is Resolution Institute, however complainants and appellants are able to use their own independent party at their own cost. Students may also access the external complaint avenues indicated below free of charge.
- SHIC 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 business (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 SHIC.

### 7. External complaint avenues

- Complaints can also be registered via the following agencies. Please read the descriptions and view the links prior to accessing these services.
- The Commonwealth Ombudsman) – *For international students only*

The Commonwealth Ombudsman:

- provides a free dispute resolution service
- is independent and impartial
- does not represent either international students or private education providers
- can make recommendations arising from our investigations.

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

- course fees and refunds
- transfers between courses or providers
- intention to report to Home Affairs for unsatisfactory course progress or attendance
- cancellation of enrolment
- deferment and suspension of studies
- incorrect advice given by an education agent
- refusing admission to a course
- your private education provider's handling of your complaint or appeal, including complaints about:
  - grades and assessments
  - academic misconduct decisions
- Overseas Student Health Cover.

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:

<https://www.ombudsman.gov.au/complaints/how-to-make-a-complaint/before-you-complain>

- 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

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agency/authority/jurisdiction to assist with their complaint. The hotline does not investigate complaints or advocate on behalf of complainants. 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](mailto:ntch@education.gov.au)

- **Australian Skills Quality Authority (ASQA):**

Complainants may also complain to SHIC’s registering body, Australian Skills Quality Authority (ASQA). However, ASQA does not act as an advocate for individual students and is not responsible for resolving disputes between students and training providers. ASQA uses information from all complaints as intelligence to inform regulatory activities and will generally refer students to another organisation for resolution of complaints.

For more information, refer to the relevant webpage below before making a complaint to ASQA:

<https://www.asqa.gov.au/about/complaints/complaints-about-training-providers>

### 8. Records of complaints and appeals

SHIC 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.



#### Document Control

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