

Institution	Universal English
Policy Name	Complaints & Appeals
Version No.	4.0

1 Purpose

Universal English (UE) endeavours to create a positive learning environment for students, one in which each student has the opportunity to achieve their personal best. Part of the maintenance of that positive environment is a fair, effective and open complaints and appeals procedure made available to all students and staff.

2 Policy

Despite all efforts of UE to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution or students may appeal against a complaint outcome or educational determination (e.g. Assessment result).

Therefore UE has a complaints policy and appeals policy to:

- a. ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process are publicly available
- b. set out the procedure for making a complaint or requesting an appeal
- c. ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and
- d. provide for review by an appropriate party independent of UE 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.

UE will follow this complaints policy to manage and respond to allegations involving the conduct of:

- a. UE, its teachers or other staff
- b. a third party providing services on the UE's behalf (e.g. recruitment agent), its trainers, assessors or other staff or
- c. a student of UE

Staff also have the right to avail themselves of this process.

UE views all complaints as an opportunity for continuous improvement.

UE will provide:

- a complaints and appeals procedure that is premised on the principles of confidentiality, fairness, and objectivity. The Access and Equity Policy will apply.
- Should a student exercise their right to make a formal complaint or appeal, then their enrolment at UE will be maintained and they will be expected to continue their studies and follow the student code of conduct whilst the complaint and or appeals processes are underway.
- All necessary information to students regarding this policy in information will be provided
 - in any literature that any applicant has access to (including the website) that they may receive prior to application
 - as a part of the agreement between UE and the applicant
 - at orientation
 - and generally available whilst a student is enrolled – e.g. on the UE website
- An internal complaints and appeals process that will be at no cost to the complainant/appellant.
- This process is freely available to all students and may be accessed at any time.
- The student can be supported/ accompanied by an independent person/ friend.
- It is normal policy whilst a student is going through any formal complaint or appeal process that the student remains enrolled at UE and continue their studies and assessments in the normal way. **However, IF the complaint or appeal relates to the student being suspended or excluded as a result of a breach of the student behaviour guidelines in the Student Handbook, then that suspension or exclusion shall continue until either it has expired or the result of the complaint or appeal is decided in the student's favour.**
- While UE considers that it has a fair and transparent informal and formal complaints and appeals process, should the student require it, access is available to an independent mediator to review the complaint and/or appeals process.

Important: see notes at beginning of section on External Appeals Procedure below.

NOTE: If the outcome is in the appellant's favour then UE will implement any changes recommended by the adjudicator immediately and advise the appellant of the outcome and actions taken.

- UE will:
 - a. securely maintain records of all complaints and appeals and their outcomes, and
 - b. identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

3 Definitions

<i>Complaint</i>	An informal or a formal written allegation of a breach of rules, policies or governing regulations of UE either by a staff member or a student.
<i>Appeal</i>	A request that an administrative decision or a complaint outcome be resubmitted for formal review or reconsideration
<i>Appellant/ Complainant</i>	A student (or staff member) who wishes to activate the complaints and appeals process
<i>External Appeals Process</i>	For International students there is free access to the Overseas Students Ombudsman Service (http://www.oso.gov.au/)

4 Complaints procedure

The following procedure provides students and staff the opportunity to have any issues relating to a substantiated complaint or appeal resolved amicably. Internal complaints and appeals process will be at no cost to the student.

The following outlines the steps undertaken for complaints and appeals:

4.1 Informal Complaints

Whenever possible those with a grievance should attempt to resolve the issue with the person/persons directly involved. For example a student should approach their trainer in the first instance on any matters relating to their training or assessment.

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. If, after all attempts, the issue remains unresolved then a formal complaint may be lodged.

4.2 Formal Complaints

Any student or a potential student may submit a formal complaint to UE with the reasonable expectation that all complaints will be treated with fairness, integrity and privacy. There is no cost for the complaints process unless it is referred to a third party. Complaints must be lodged using the Complaints Form available at Reception, or via the UE website. Given below is the process that is then followed.

The steps to be followed for both a complaint and an internal appeal are shown in the process map. The process to be followed for an external appeal is documented by Overseas Students Ombudsman (OSO) who provides the services (see below) or LEADR for Domestic Students.

5 Internal appeals procedure including appeals against assessment

All students have the right to appeal decisions made by UE where reasonable grounds can be established. The areas in which a student may appeal a decision made by UE may include:

- Assessments conducted – for rules relating to assessment criteria see the Assessment Policy and Procedure
- Deferral, suspension, or cancellation decisions made in relation to the student’s enrolment
- Or any other conclusion / decision made after a complaint (see above) has been dealt with by UE in the first instance.

6 Complaint or Appeal actions

The following actions must be completed for a complaint or internal appeal:

Review of Complaint or Appeal	Once a complaint or appeal is received and is checked for completeness it should be forwarded to the review person (identified in the categorisation table below) for review
Cost	There will be no charge to the complainant or appellant for the lodgment or presentation of their case. Incidental expenses for attending UE offices to lodge the document or attend a meeting or any charges incurred (e.g. telephone) will NOT be reimbursed.
Presentation of case	ALL complainants and appellants must be given the opportunity to formally present their case and to be accompanied by a friend or third party to support them (and if language is an issue to help them present their case). The cost to accompany that friend/third party will be at their own cost.
Determination	The Review Person may gather evidence and constitute a review committee as they see fit. They must commence the process within 10 working days of the lodgment of the complaint or appeal (and receipt of all supporting evidence) and complete the process within a reasonable period usually 10- 15 working days. If further evidence is requested, then the Review Person must communicate with the complainant or appellant as soon as practical and within 5 working days asking for evidence. The process will be put on hold until the evidence is received. How a decision is reached will be advised in the written response to the complainant or appellant.

Timescale	<p>The complaint or appeal should normally be commenced within 10 working days of the deposit of completed form and associated supporting material. See “Determination” above in relation to request of supplementary information.</p> <p>If, for some reason, it should take more than 60 calendar days to finalise the complaint or appeal, UE will :</p> <ul style="list-style-type: none"> • inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and • regularly update the complainant or appellant on the progress of the matter
Appeal following a complaint	<p>If the complainant is not happy with the decision they may appeal. That appeal is on the fairness and objectivity of the decision.</p>
Formal response to a complaint	<p>A template for a formal written response has been developed for when the complaint is accepted or rejected. This will be modified to include detailed reasoning as to the determination. This included the complainant’s right to access the Internal Appeals process.</p>
Formal response to an appeal	<p>A template for a formal written response has been developed for when the appeal is accepted or rejected. This includes the complainant’s right to access the External Appeal process.</p>
Documentation	<p>ALL documentation relating to a formal complaint or appeal MUST be lodged on the student file. This is to include the initial form, supporting evidence, meeting minutes, determination and copy of correspondence with all concerned parties. This information will be kept confidentially and stored securely for 7 years</p>
Complaints and Appeals Register	<p>All formal complaints or appeals must be recorded in the Complaints and Appeals Register.</p>
Learning	<p>A complaint or appeal is a learning opportunity for UE. The outcome will be seen as an input to the continuous improvement process. Any decisions that support students will be immediately implemented</p>

6.1 Categorisation

The nature of the complaint or appeal will be categorised as follows:	Matter referred to the following:
Administrative Complaint. Complaints against the delivery of administrative and support services and facilities	Administration Manager/ Student Services Officer
Academic Complaint. Complaints against teachers, assessment etc.	Academic manager
Student Conduct Complaint. Complaints against misconduct/ misbehaviour of students.	Academic Manager/ Administration manager
Appeal	CEO

7 External appeals procedure for International Students

- The purpose of the external appeals process is to consider whether the College has followed its student complaint and appeals procedure, and should only be enacted after exhausting of the internal procedures described above.
- If you wish to lodge an external appeal or complaint about a decision made by the internal appeal process, you can contact the Overseas Students Ombudsman. The **Overseas Student 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. See the Overseas Students Ombudsman website www.oso.gov.au or phone 1300 362 072 for more information.
- The Overseas Students Ombudsman **can investigate complaints about** action taken by private providers in connection with *overseas students*. Complaints might, for example, be about:
 - refusing admission to a course
 - fees and refunds
 - course or provider transfers
 - course progress or attendance
 - cancellation of enrolment
 - accommodation or work arranged by a provider
 - incorrect advice given by an education agent.
- There is no charge for lodging an appeal.

- Following the receipt of the outcome of the external appeal the College must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint
- If an appeal is against a College decision to report the student for unsatisfactory course progress the College will maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external appeals process is complete and has supported the provider's decision to report.
- If an appeal is against the College's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment the College only needs to await the outcome of the internal appeals process (supporting the provider) before notifying DEEWR through PRISMS of the change to the student's enrolment.

8 Complaints to the regulator

- If you intend to make a complaint, you must first follow UE's internal complaints and appeals procedure.
- If, after following the internal procedures, the complainant wishes to make an official complaint to the regulator, they can complete the [Complaint about a training organisation operating under ASQA's jurisdiction](#) form provided by the Australian Skills Quality Authority (ASQA) on their website <http://www.asqa.gov.au/complaints/making-a-complaint.html>

9 Continuous improvement

A summary of all complaints and appeals received in the Complaints and Appeals Register will be presented as a part of the CI policy and procedure at the Management Meeting for review. The purpose of this is to ensure management become aware of:

- issues that may be repeating themselves
- short falls in Assessment processes – either as a part of the process or in implementation (individually or collectively)
- students that may be being vexatious in using the process
- Common threads relating to the general management and or safety of the staff and students and the services being provided.
- (when viewed collectively) any general adverse trend that needs correcting