



Complaints and Appeals Policy and Procedures

V2.0



HUMBER COLLEGE
BRIDGE BETWEEN YOU AND SUCCESS



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1. Purpose and scope

This Complaints and Appeals Policy is developed to provide and maintain a fair, timely, effective and accessible mechanism to deal with the complaints and appeals involving students, staff, third-party contractors and other relevant stakeholders.

The purpose of this policy is to ensure that Humber College has transparent and efficient processes for responding to and resolving complaints, grievances and appeals in a fair and confidential manner.

Humber College is committed to continuous improvement and uses complaints, grievances and appeals as an opportunity to improve its systems, processes and practices. Humber College will maintain public access to this policy using our website. Humber College ensures that this policy adopts the principles of natural justice and procedural fairness at every stage of the complaint and appeal process.

Humber College will make this policy available in the Student Handbook, Letter of Offer & Written Agreement and Humber College's website.

The policy statements and procedures maintain and comply with the legislative and regulatory requirements stated under the: -

- Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code);
- Education Services for Overseas Students Act, 2000 (ESOS Act);
- Standard 6 of the Standards for Registered Training Organisations, 2015;

Scope

This policy applies and extends to all Humber College's current and intending students, both domestic and international, as well as staff, contractors, third parties, and key stakeholders.

2. Definitions

“Admission” is the acceptance of an applicant as a student of Humber College in the nominated or desired course(s).

“ASQA” means the Australian Skills Quality Authority.

“ESOS Act” means the Education Services for Overseas Students Act 2000

“Intending overseas student” means a person (whether within or outside Australia) who intends to become, or who has taken any steps towards becoming, an overseas student.

“Overseas/International Student” means a person (whether within or outside Australia) who holds a student visa but does not include students of a kind prescribed in the regulations.

“Training product” means an AQF qualification, skill set, unit of competency, accredited short course and module.

“SRTOs” means the Standards for Registered Training Organisations (RTOs) 2015 of the VET Quality Framework



3. Types of complaints and appeals

Humber College may receive a range of complaints and appeals, including academic and non-academic matters.

Humber College may receive allegations that involve the conduct of its students, education agents and other third-parties (where relevant), and all staff including trainers and assessors and admin personnel.

Humber College may receive complaints in relation to the services provided and its practices and activities, for example:

- Marketing practices and information
- Enrolment process
- Training and assessment quality and practices (for example, student support services, assessment requirements, availability of tools and equipment, student course progress etc.)
- Quality of learning and assessment materials
- Bullying and harassment
- Timetable issues

Humber College may receive appeals, which is a request from the applicant to review a decision made by Humber College and its staff, including trainers and assessors. These decisions may relate to:

- Cancellation or refusal of enrolment
- Fees and refunds
- Complaint outcomes
- Assessment outcomes
- Penalties
- Intention to report (ITR) for attendance, course progress or non-payment of fees
- Other decisions made by Humber College

4. Resolution Principles

Humber College follows the following principles when dealing with complaints and appeals:

Procedural fairness: All parties to a complaint will be treated fairly and in a manner that respects their right to an unbiased, timely and transparent process following the principles of natural justice. Humber College will not be biased or appear to be biased nor have a personal interest in the matter of the complaints. All complaints are considered on their merits, on the basis of information relevant to the complaints and any mitigating circumstances. All parties have the right to be heard before the decision is made, including the right to respond to statements or material that is to be relied upon in reaching a destination.

Good Faith: The complaints process assumes and relies upon all parties engaging in good faith, with an open approach to considering reasonable options.

Humber College ensures that:

- complaints and appeals are responded to in a manner that is professional, transparent and consistent.
- complaints and appeals are handled sensitively and confidentially.
- complaints and appeals are used as an opportunity for continuous improvement by identifying the cause of complaints and appeals and implementing suitable action to avoid future reoccurrence.



- Complaints and appeals are handled free of victimisation or discrimination.
- students are able to use the complaints and appeals mechanism at no cost to them.
- all parties to a complaint are made aware of the allegations and are provided with an opportunity to respond and present their case.

This policy and its procedures, along with any other mechanisms offered by Humber College, do not limit the rights of an individual to take action under Australia's Consumer Protection laws and pursue other legal remedies.

5. Making a complaint or appeal

- A complainant should endeavour to make a formal complaint as soon as possible after the incident occurred.
- Appeals should be made within thirty (30) calendar days from when the original decision was made.
- Informal complaints can be made verbally or using any written form.
- Formal complaints and appeals must be made in writing using the Complaints and Appeals Form. Complaints and appeals may be sent in writing to Humber College's head office with attention to the Chief Executive Officer.
- The complainant should provide as much detail as possible of the incident or why an appeal is being made to assist Humber College in investigating and determining an appropriate solution, including:
 - the issue or decision that related to the complaint or appeal – in detail describe as much as you can on what happened and how it affected you.
 - any supporting evidence (where possible) that can support your complaint or appeal.
 - Describe any steps that you may have already taken in an attempt to resolve the complaint or appeal.
 - Suggestions about how the matter might be resolved.

6. Resolution of complaints and appeals

- The CEO and student support officers (as required) will be involved in resolving complaints and appeals.
- All parties to a complaint or appeal where allegations are made against another person will be given the opportunity to respond to the allegations made.
- Where a third party engaged by Humber College is involved in the complaint or appeal, they will be involved in the process of resolving the complaint or appeal.
- Humber College will allow a support person of their choice for each party to be present at meetings scheduled to resolve the issue.
- Humber College may request further details from all parties involved as and when required. This could be done via face-to-face meetings, written or verbal requests, over the phone or web conferencing.
- The CEO will review all the information and decide on an appropriate response.
- For assessment appeals, Humber College will appoint an independent assessor who was not involved in the original decision to reassess the task again. The new outcome will be the result granted for this assessment task.
- In the case of an assessment appeal, an assessor who is independent of the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task. Humber College will notify the complainant or appellant of the new outcome in writing, along with the reasons for the judgment and any other findings made.

- For complaints and appeals related to the enrolment status of a student, Humber College will handle them as follows:
 - **Domestic students** are able to maintain their enrolment with Humber College while the complaints and appeals process is ongoing.
 - **International students** who make a complaint or appeal under this policy will maintain their enrolment throughout the internal appeals process. Humber College will not report the student through PRISMS of a change in enrolment status until the internal processes are complete. Where an external appeals process is accessed by an international student, Humber College will handle the enrolment as follows:
 - When an appeal is against Humber College's decision to report the student for unsatisfactory course progress or attendance, their enrolment will be maintained until the external process is completed and has supported or not supported Humber College's decision to report.
 - When an appeal is against Humber College's decision to defer, suspend or cancel a student's enrolment due to misconduct, Humber College will report through PRISMS of a change to the student's enrolment after the outcome of the internal appeals process.
- **Timeframe:**
 - Humber College will acknowledge the receipt of the complaint or appeal in writing within three (3) business days.
 - Humber College will commence the complaints and appeals process within seven (7) business days of the receipt of the application.
 - Humber College will endeavour to finalise all applications as soon as possible or at least within 30 calendar days. The complainant or appellant will be advised in writing if due to any significant reasons the process will take longer. They will be provided weekly notifications on the progress of their complaint or appeal until the process is completed and the matter resolved.
- Humber College will provide the complainant or appellant a written response on the outcome of their complaint or appeal. The response will clearly outline Humber College's understanding of the issue, action taken by Humber College in investigating and resolving the complaint or appeal, findings and outcome.

7. External resolution

- If the complainant or appellant is not satisfied by the outcomes of the internal process, they may opt for the matter to be referred to an external dispute resolution body.
- If an external independent party is appointed, all associated costs will be paid by the party appointing the external party.
- Humber College may engage an external independent mediator who has the expertise required to resolve the complaint or appeal as and when needed.
- Humber College will co-operate fully in the external resolution process by providing clear, full and transparent access to any documentation associated with the complaint and appeals including student files, assessment records, internal complaints and appeals records as permitted by law. Humber College will instruct and require all staff to fully co-operate in the process.
- External complaints in relation to a student's enrolment that result in an external party giving an outcome in the favour of Humber College will result in the notification via PRISMS of the change in an overseas student's enrolment status.



- Where an external party finds an outcome in the favour of a student, the CEO will act on this immediately and organise a management meeting to use this as an opportunity for continuous improvement.

The management team must discuss all decisions made, findings of the case and its outcome. Appropriate actions must be decided to ensure the situation is corrected and not repeated. The complainant or appellant must be notified of the corrective actions and associated outcomes.

- **Domestic students** can choose to hire an external party of their own choice at their own cost. Additional options for external complaints avenues are provided in below.
- **International students** wishing to opt for external appeals process can do so through at no cost with the **Commonwealth Ombudsman**. The Commonwealth Ombudsman can investigate complaints from international students about private schools, colleges, institutes and universities in Australia.

Details on how the ombudsman can help you can be found on the following web page: <https://www.ombudsman.gov.au/complaints/international-student-complaints>.

Commonwealth Ombudsman contact details can be found on the following web page: <https://www.ombudsman.gov.au/contact-us>

The Commonwealth Ombudsman can look into complaints from international students who are currently studying, previously studied, or are planning to study with private education providers on a student visa. Issues they can look into include:

- 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.
- **Other external avenues:**
 - ***National Training Complaints Hotline:*** If you have a complaint relating to your experiences whilst undertaking training in the vocational education and training (VET) sector, the National Training Complaints Hotline can refer your complaint to the most appropriate authority to have your complaint considered. You can lodge a complaint with National Training Complaints Hotline by completing the [complaints form](https://www.dewr.gov.au/national-training-complaints-hotline/national-training-and-complaints-hotline-complaints-form) (<https://www.dewr.gov.au/national-training-complaints-hotline/national-training-and-complaints-hotline-complaints-form>) or by calling the student enquiry line on 13 38 73.
 - ***Consumer Protection Agencies:*** The consumer protection agency in your state or territory:
 - can provide information about seeking a refund or a cancellation of your course fees
 - can provide information about your rights and obligations
 - may be able to help you negotiate with your training provider.

If you are studying with a provider that is located in a different state or territory to where you live, you can report your concerns to the [Australian Competition & Consumer Commission](https://www.accc.gov.au/contact-us/contact-the-accc/report-a-consumer-issue) (<https://www.accc.gov.au/contact-us/contact-the-accc/report-a-consumer-issue>).



State or territory

Agency and contact details

Australian Capital Territory (ACT)	ACT Fair Trading Phone: (02) 6207 3000
New South Wales (NSW)	NSW Fair Trading Phone: 13 32 20
Northern Territory (NT)	Northern Territory Consumer Affairs Phone: 1800 019 319
Queensland (QLD)	Fair Trading Phone: 13 74 68
South Australia (SA)	Consumer and Business Services Phone: 13 18 82
Tasmania (TAS)	Consumer Affairs and Fair Trading Phone: 1300 65 44 99
Victoria (VIC)	Consumer Affairs Victoria Phone: 1300 55 81 81
Western Australia (WA)	Consumer Protection Phone: 1300 304 054

- State or Territory Ombudsman: Your state or territory ombudsman may be able to help if:
 - your complaint is about fees and refunds, and
 - you are studying with a government-run provider (such as a TAFE).

State or territory

Ombudsman website address

Australian Capital Territory (ACT)	www.ombudsman.act.gov.au
New South Wales (NSW)	www.ombo.nsw.gov.au
Northern Territory (NT)	www.ombudsman.nt.gov.au
Queensland (QLD)	www.ombudsman.qld.gov.au
South Australia (SA)	www.trainingadvocate.sa.gov.au
Tasmania (TAS)	www.ombudsman.tas.gov.au
Victoria (VIC)	www.ombudsman.vic.gov.au
Western Australia (WA)	www.ombudsman.wa.gov.au

- Australian Skills Quality Authority (ASQA): ASQA is the national VET regulator and takes feedbacks and complaints as intelligence to inform their regulatory activities. However, ASQA is unable to assist student with their individual cases and circumstances and cannot act as an advocate for students in resolving complaints or appeals. Complaints can be made via ASQAnet <https://asqaconnect.asqa.gov.au/>.

8. Records Management



A record of all complaints and appeals including all outcomes and rationale for those outcomes and findings is maintained on Humber College's Complaints and Appeals Register which is securely and confidentially retained by Humber College. A copy of the complaint or appeal with all supporting documents are to be stored on the student's file.

A record of all opportunities for improvement and associated actions taken is recorded in the Continuous Improvement Register.

9. Related Governance Documents

- Complaints and Appeals Form V2.0
- Complaints and Appeals Register
- Continuous Improvement Register